

Alexandria Bennett

6/14/2023
U.S. DISTRICT COURT
N.D. OF ALABAMA

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<p>IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION</p> <p>CIVIL ACTION NUMBER 2:22-CV-01306-AMM</p> <p>ALEXANDRIA BENNETT, Plaintiff, vs. WALMART, INC., Defendant.</p> <p>DEPOSITION TESTIMONY OF: ALEXANDRIA BENNETT</p> <p>June 14, 2023 1:30 p.m.</p> <p>COURT REPORTER: DIANA B. WILLIAMS, CCR</p>	<p>1 questions, and that counsel for the parties 2 may make objections and assign grounds at 3 the time of trial or at the time said 4 deposition is offered in evidence, or prior 5 thereto. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>
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<p>1 STIPULATION 2 IT IS STIPULATED AND AGREED by and 3 between the parties through their respective 4 counsel that the deposition of ALEXANDRIA 5 BENNETT, may be taken before Diana 6 B. Williams, Certified Shorthand Reporter 7 and Notary Public, State of Alabama at 8 Large, at the law offices of Friedman, 9 Dazzio & Zulanas, P.C., 3800 Corporate Woods 10 Drive, Vestavia Hills, Alabama, on 11 June 14, 2023, commencing at approximately 12 1:30 p.m. 13 IT IS FURTHER STIPULATED AND AGREED 14 that the signature to and the reading of the 15 deposition by the witness is waived, the 16 deposition to have the same force and effect 17 as if full compliance had been had with all 18 laws and rules of Court relating to the 19 taking of depositions. 20 IT IS FURTHER STIPULATED AND AGREED 21 that it shall not be necessary for any 22 objections to be made by counsel to any 23 questions, except as to form or leading</p>	<p>1 INDEX 2 3 EXAMINATION BY: PAGE NO. 4 MS. GORDON 7 5 MS. WASHINGTON 166 6 MS. GORDON 173 7 MS. WASHINGTON 174 8 CERTIFICATE 187 9 10 EXHIBITS 11 12 PLAINTIFF'S EXHIBITS: PAGE NO. 13 1 Video 170 14 15 DEFENDANT'S EXHIBITS: PAGE NO. 16 1 Pay statement 52 17 2 Photograph (color) 80 18 3 Photograph (color) 80 19 4 Photograph (color) 104 20 5 Customer Incident Report 114 21 6 Photographs (6 color) 123 22 7 Photograph (color) 127 23 8 Initial Disclosures 160</p>

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<p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 Ellise M. Washington, Esq.</p> <p>5 EMW LAW</p> <p>6 2100 First Avenue North</p> <p>7 Birmingham, Alabama 35203</p> <p>8</p> <p>9 FOR THE DEFENDANT:</p> <p>10 Gwendolyn A. Gordon, Esq.</p> <p>11 FRIEDMAN, DAZZIO & ZULANAS, P.C.</p> <p>12 3800 Corporate Woods Drive</p> <p>13 Vestavia Hills, Alabama 35242</p> <p>14</p> <p>15 ALSO PRESENT:</p> <p>16 Charles Nash, Intern</p> <p>17 Kelsie Green, Intern</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1 EXAMINATION BY MS. GORDON:</p> <p>2 Q. Ms. Bennett, my name is Gwen</p> <p>3 Gordon, and I represent Wal-Mart Stores</p> <p>4 East, LP, in the lawsuit that you filed</p> <p>5 against them. And I'm here today to ask you</p> <p>6 some questions about -- some about your</p> <p>7 background and then about the claims you are</p> <p>8 asserting and about any injuries you are</p> <p>9 claiming as a result of the incident at</p> <p>10 Wal-Mart.</p> <p>11 Throughout our deposition, our</p> <p>12 court reporter, Diana, is going to be taking</p> <p>13 down everything you and I say. And so it's</p> <p>14 important to answer my questions out loud</p> <p>15 rather than shake your head or nod your</p> <p>16 head. But if you forget, I will remind you.</p> <p>17 And if you will, try to avoid</p> <p>18 responses like uh-uh or uh-huh. They appear</p> <p>19 the same on the typed record, so it makes it</p> <p>20 confusing. But, once again, everybody seems</p> <p>21 to do it, and so I will just correct you.</p> <p>22 And I'm not picking on you. It's just so we</p> <p>23 can have a clear written record.</p>
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<p>1 I, Diana B. Williams, a Certified</p> <p>2 Shorthand Reporter of Birmingham, Alabama,</p> <p>3 and a Notary Public for the State of Alabama</p> <p>4 at Large, acting as Commissioner, certify</p> <p>5 that on this date, pursuant to the Federal</p> <p>6 Rules of Civil Procedure, and the foregoing</p> <p>7 stipulation of counsel, there came before me</p> <p>8 at the law offices of Friedman, Dazzio &</p> <p>9 Zulanias, P.C., 3800 Corporate Woods Drive,</p> <p>10 Vestavia Hills, Alabama, commencing at</p> <p>11 approximately 1:30 p.m., on June 14, 2023,</p> <p>12 ALEXANDRIA BENNETT, witness in the above</p> <p>13 cause, for oral examination, whereupon the</p> <p>14 following proceedings were had:</p> <p>15</p> <p>16 ALEXANDRIA BENNETT,</p> <p>17 having been first duly sworn, was examined</p> <p>18 and testified as follows:</p> <p>19</p> <p>20 COURT REPORTER: Usual</p> <p>21 stipulations?</p> <p>22 MS. GORDON: Yes.</p> <p>23 MS. WASHINGTON: Yes.</p>	<p>1 If you need to take a break for</p> <p>2 any reason, just let me know and we can do</p> <p>3 that. I want you to understand all of my</p> <p>4 questions, so if I ask you something that</p> <p>5 you don't understand, please let me know,</p> <p>6 and I will rephrase it or try to explain it</p> <p>7 to you so that you will understand it. And</p> <p>8 if you answer it, I will assume that you</p> <p>9 understood it; is that fair?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. And let me think if there</p> <p>12 is anything else. That's probably it.</p> <p>13 It's, like, little ground rules.</p> <p>14 Have you ever given a deposition</p> <p>15 before?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Okay. Will you state your full</p> <p>18 name for the record, please?</p> <p>19 A. Alexandria Lashun Bennett.</p> <p>20 Q. What name do you go by?</p> <p>21 A. Alexandria.</p> <p>22 Q. Have you ever gone by any other</p> <p>23 names besides Alexandria?</p>

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<p style="text-align: right;">Page 9</p> <p>1 A. Just Alex, for short.</p> <p>2 Q. And have you ever had any other</p> <p>3 last names?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Have you ever been married?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Are you on any medication today</p> <p>8 that would affect your ability to testify or</p> <p>9 to recall past events?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Are you suffering from any</p> <p>12 medical conditions that would affect your</p> <p>13 ability to testify or recall past events?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Have you ever been involved in a</p> <p>16 lawsuit, whether or not you gave a</p> <p>17 deposition?</p> <p>18 A. No, ma'am.</p> <p>19 Q. And what is your current address?</p> <p>20 A. My current address is [REDACTED]</p> <p>21 [REDACTED] Homewood, Alabama 35209.</p> <p>22 Q. How long have you lived there?</p> <p>23 A. About a year.</p>	<p style="text-align: right;">Page 11</p> <p>1 A. A few years ago.</p> <p>2 Q. Three years ago or a few?</p> <p>3 A. A few years ago.</p> <p>4 Q. Do you have any other children?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Has anyone else lived at the</p> <p>7 [REDACTED] address with you and your</p> <p>8 daughter?</p> <p>9 A. No, ma'am.</p> <p>10 Q. And where did you live before</p> <p>11 [REDACTED]?</p> <p>12 A. I stayed in Ensley, Alabama.</p> <p>13 Q. Okay. Do you remember your</p> <p>14 address or where you lived there?</p> <p>15 A. It was [REDACTED], Ensley.</p> <p>16 Q. Okay. Was that an apartment or a</p> <p>17 house?</p> <p>18 A. It was an apartment.</p> <p>19 Q. And who lived with you there, if</p> <p>20 anyone?</p> <p>21 A. Me and my daughter.</p> <p>22 Q. How long were you at that</p> <p>23 address?</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. And does anyone live there with</p> <p>2 you?</p> <p>3 A. My daughter.</p> <p>4 Q. What is her name?</p> <p>5 A. Her name is [REDACTED].</p> <p>6 Q. [REDACTED]?</p> <p>7 A. [REDACTED].</p> <p>8 Q. [REDACTED]. Thank you. What is the</p> <p>9 last name, though? Was it Allen?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. How do you spell the Allen</p> <p>12 part?</p> <p>13 A. A-l-l-e-n.</p> <p>14 Q. Thank you. How old is she?</p> <p>15 A. She's nine.</p> <p>16 Q. I have a nine-year-old. It's a</p> <p>17 fun age.</p> <p>18 And who is her dad?</p> <p>19 A. Her dad is Kevin [REDACTED].</p> <p>20 Q. Are you still in a relationship</p> <p>21 with Kevin [REDACTED]?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Okay. When did that end?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. About three -- three years.</p> <p>2 Q. I'm backing up, but the [REDACTED]</p> <p>3 [REDACTED], is that a house or an</p> <p>4 apartment?</p> <p>5 A. It's an apartment.</p> <p>6 Q. All right. And where did you</p> <p>7 live before Ensley?</p> <p>8 A. I stayed in Homewood, Alabama.</p> <p>9 Q. Where were you in Homewood back</p> <p>10 then?</p> <p>11 A. The [REDACTED].</p> <p>12 Q. And how long were you there?</p> <p>13 A. I will say probably two years.</p> <p>14 About two years.</p> <p>15 Q. Was it you and your daughter</p> <p>16 there?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Do you own any property?</p> <p>19 A. No, ma'am.</p> <p>20 Q. All right. So what I have is the</p> <p>21 date of the incident we are here about is</p> <p>22 October 15, 2020. Is that your recollection</p> <p>23 as to when it happened?</p>

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<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. Where were you living</p> <p>3 then? Was that the Ensley address?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Which one were you at back when</p> <p>6 this happened?</p> <p>7 A. Homewood.</p> <p>8 Q. Okay. [REDACTED]?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Have you ever lived with Kevin</p> <p>11 [REDACTED], or has he ever lived in one of your</p> <p>12 apartments?</p> <p>13 A. He moved. He was staying at</p> <p>14 the -- when we were together, we were in</p> <p>15 [REDACTED], but that's when we</p> <p>16 split up as well.</p> <p>17 Q. Okay. Was he living with y'all</p> <p>18 back on October 15, 2020?</p> <p>19 A. We were -- we weren't together at</p> <p>20 that time.</p> <p>21 Q. Okay. So he had already moved</p> <p>22 out?</p> <p>23 A. Yes, ma'am.</p>	<p>1 you -- we will go off the record, but I'm</p> <p>2 going to ask you what your social security</p> <p>3 number is off the record.</p> <p>4 MS. GORDON: If we can go off.</p> <p>5 (Whereupon, an off-the-record</p> <p>6 discussion was held.)</p> <p>7 MS. GORDON: Back on the record.</p> <p>8 Q. (By Ms. Gordon) What is your</p> <p>9 birth date?</p> <p>10 A. [REDACTED], 1993.</p> <p>11 Q. And your driver's license number?</p> <p>12 A. [REDACTED]</p> <p>13 Q. Is that an Alabama license?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Have you ever held a license in</p> <p>16 any other states?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Do you have any restrictions on</p> <p>19 your license, like, for contacts or --</p> <p>20 A. No, ma'am.</p> <p>21 Q. Okay. Do you wear glasses or</p> <p>22 contacts?</p> <p>23 A. I wear glasses.</p>
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<p>1 Q. Where does he live now, if you</p> <p>2 know?</p> <p>3 A. Bessemer, Alabama.</p> <p>4 Q. Do you know his current phone</p> <p>5 number?</p> <p>6 A. Not by heart. I can --</p> <p>7 Q. You might have given it to me.</p> <p>8 Let me see if this sounds familiar. I have</p> <p>9 it on something.</p> <p>10 Does [REDACTED] sound right?</p> <p>11 A. That's his old number.</p> <p>12 Q. Okay. So he has a different one?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Do you have it with you in your</p> <p>15 phone?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. When we take a break, I will get</p> <p>18 you to look it up for me, if you don't mind.</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Thank you. Are you still in</p> <p>21 regular contact with him?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. All right. I'm going to ask</p>	<p>1 Q. Are they reading glasses or</p> <p>2 driving glasses? Or when do you use them?</p> <p>3 A. I don't have to use them.</p> <p>4 Q. Okay.</p> <p>5 A. Yes, I don't have a prescription</p> <p>6 for them or anything.</p> <p>7 Q. I see. Have you ever been</p> <p>8 prescribed eyeglasses or contacts?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. When was that?</p> <p>11 A. I will say I picked up a</p> <p>12 prescription last year.</p> <p>13 Q. Okay. Who was your eye doctor</p> <p>14 then?</p> <p>15 A. They are located at Wal-Mart.</p> <p>16 Q. The one in Helena?</p> <p>17 A. No, ma'am. The one in Pelham.</p> <p>18 Q. Okay.</p> <p>19 A. I would go over to them.</p> <p>20 Q. Do you remember if you were</p> <p>21 diagnosed as nearsighted or farsighted?</p> <p>22 Like, did you have trouble seeing things far</p> <p>23 away or close-up?</p>

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<p>1 A. No, ma'am.</p> <p>2 Q. You don't remember which one?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Okay. That's fine. Were you</p> <p>5 wearing glasses or contacts on October 15,</p> <p>6 2020, at Wal-Mart?</p> <p>7 A. I always wear my contacts.</p> <p>8 Q. So did you have them in that day?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. Is the eye doctor at the</p> <p>11 Wal-Mart in Pelham still your eye doctor?</p> <p>12 A. Yes, ma'am. I haven't been to</p> <p>13 them this year, though.</p> <p>14 Q. Okay. Do you have any relatives</p> <p>15 age 19 or older living in either Blount</p> <p>16 County, Jefferson County, or Shelby County?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Tell me who they are, please.</p> <p>19 A. My mom stays in Shelby County.</p> <p>20 Q. And what is her name?</p> <p>21 A. [REDACTED].</p> <p>22 Q. Is she married?</p> <p>23 A. Yes, ma'am.</p>	<p>1 Birmingham or nearby areas your whole life?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Where else have you lived?</p> <p>4 A. We stayed in Hoover, Alabama.</p> <p>5 Q. Okay.</p> <p>6 A. My mom.</p> <p>7 Q. All right. But have you been in</p> <p>8 Alabama your whole life?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. And are you currently</p> <p>11 employed?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Where do you work?</p> <p>14 A. I work at UAB.</p> <p>15 Q. What do you do there?</p> <p>16 A. I am a new patient scheduler.</p> <p>17 Q. Do you work with a particular</p> <p>18 office there?</p> <p>19 A. Radiation oncology.</p> <p>20 Q. How long have you had that job?</p> <p>21 A. I just started this particular</p> <p>22 job in May.</p> <p>23 Q. Of 2023?</p>
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<p>1 Q. What is her husband's name?</p> <p>2 A. [REDACTED].</p> <p>3 Q. Do either of them work in Shelby</p> <p>4 County?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Any other relatives in either</p> <p>7 Blount, Jefferson, or Shelby County?</p> <p>8 A. No, ma'am.</p> <p>9 Q. All right. Where did you go to</p> <p>10 high school?</p> <p>11 A. I went to Spain Park High School.</p> <p>12 Q. And what year did you graduate?</p> <p>13 A. 2011.</p> <p>14 Q. All right. Have you had any</p> <p>15 other education since then?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Is that a Hoover school? Is</p> <p>18 Spain Park Hoover?</p> <p>19 A. It's off Valleydale Road.</p> <p>20 Q. Okay. Is that about where you</p> <p>21 grew up, in that area?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And have you lived in the</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Is that a desk job?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And how many days a week do you</p> <p>5 work?</p> <p>6 A. Monday through Friday.</p> <p>7 Q. What are your hours?</p> <p>8 A. Earliest I go in is 7 a.m. The</p> <p>9 latest I will stay is 6 p.m.</p> <p>10 Q. All right. And what are you paid</p> <p>11 there?</p> <p>12 A. \$18 an hour.</p> <p>13 Q. And who is your supervisor?</p> <p>14 A. Ms. [REDACTED].</p> <p>15 Q. Have you had any trouble</p> <p>16 performing your job duties there as a result</p> <p>17 of any injuries you relate to the incident</p> <p>18 at Wal-Mart?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Where did you work before UAB?</p> <p>21 A. I was working at UAB psychiatry.</p> <p>22 Q. And what was your job title</p> <p>23 there?</p>

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<p>1 A. Patient service coordinator.</p> <p>2 Q. Did you work there right up until</p> <p>3 you moved to the radiation department?</p> <p>4 A. I worked there up until, I think,</p> <p>5 March of this year.</p> <p>6 Q. Okay.</p> <p>7 A. I was let go.</p> <p>8 Q. Did they give you a reason for</p> <p>9 letting you go?</p> <p>10 A. I'm through a temp service.</p> <p>11 Q. Oh, I see. Which temp service do</p> <p>12 you work for?</p> <p>13 A. UAB Temp Services.</p> <p>14 Q. Is your current job also through</p> <p>15 the temp service?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. So who do your paychecks come</p> <p>18 from?</p> <p>19 A. UAB Temp Services.</p> <p>20 Q. And are you always guaranteed</p> <p>21 employment through them? I'm just not sure</p> <p>22 how it works.</p> <p>23 A. The temp jobs is, like, you have</p>	<p>1 this lawsuit?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Where did you work before UAB</p> <p>4 psychiatry?</p> <p>5 A. I worked for Milo's Tea Company.</p> <p>6 Q. Milo's?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay. What did you do for them?</p> <p>9 A. Data entry clerk.</p> <p>10 Q. Is that at their corporate</p> <p>11 office?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Where is it?</p> <p>14 A. It's off of Morgan Road, but you</p> <p>15 can also get there off of Lakeshore.</p> <p>16 Q. Okay. All right. When did that</p> <p>17 job end?</p> <p>18 A. It was contracted. I want to say</p> <p>19 it ended before I worked for UAB.</p> <p>20 Q. Was it right before, or was there</p> <p>21 a period where you were there without work?</p> <p>22 A. It was a period for me.</p> <p>23 Q. Do you remember if it was, like,</p>
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<p>1 got to do what you have got to do, you know,</p> <p>2 or you can be let go.</p> <p>3 So with UAB psychiatry, I was</p> <p>4 about to be there -- well, I was there for a</p> <p>5 year. I was supposed to be hired on, and I</p> <p>6 was let go.</p> <p>7 Q. Okay. Sometimes you are hired on</p> <p>8 for a permanent job through a temp job; is</p> <p>9 that right?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. And so now you have</p> <p>12 started a new temp job and maybe in hopes of</p> <p>13 it becoming a permanent job?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. When did you start the UAB</p> <p>16 psychiatry temp job?</p> <p>17 A. I believe about a year ago,</p> <p>18 because March would have been -- March or</p> <p>19 April would have been right around a year</p> <p>20 for me.</p> <p>21 Q. Okay. Did you being let go from</p> <p>22 the UAB psychiatry temp job have anything to</p> <p>23 do with any of the claims you are making in</p>	<p>1 one month? Five months? Any idea?</p> <p>2 A. I believe it was more than five</p> <p>3 months.</p> <p>4 Q. Okay. And did you leave the</p> <p>5 Milo's job, or were you let go? How did it</p> <p>6 end?</p> <p>7 A. It was a contracted job.</p> <p>8 Q. Oh, it was a contracted start and</p> <p>9 end date?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Once you finished the work, it</p> <p>12 was over?</p> <p>13 A. Yes, ma'am. It was, really,</p> <p>14 through -- you know, for the pandemic, we</p> <p>15 would swab people's mouths and stuff like</p> <p>16 that when they would come in and take their</p> <p>17 temps.</p> <p>18 Q. Okay.</p> <p>19 A. So they didn't need us anymore.</p> <p>20 Q. About how long did that job last?</p> <p>21 A. I would say a few months. At</p> <p>22 least six -- six to seven months or so.</p> <p>23 Q. And was that in 2020, or was it</p>

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<p>1 later after the pandemic started?</p> <p>2 A. I think I was working for them,</p> <p>3 like, around August of 2021.</p> <p>4 Q. All right. And where were you</p> <p>5 working before Milo's?</p> <p>6 A. I had different temp service jobs</p> <p>7 that I was let go from.</p> <p>8 Q. Were you working through an</p> <p>9 agency for those?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. What was the name of that</p> <p>12 agency?</p> <p>13 A. Going through different agencies</p> <p>14 such as PrideStaff, Dedicated Personnel.</p> <p>15 Off of my head, that's all I can think of.</p> <p>16 Q. Okay. What type of jobs did</p> <p>17 you -- temp jobs did you have through those</p> <p>18 agencies?</p> <p>19 A. I tried to do warehouse jobs, but</p> <p>20 they don't work out.</p> <p>21 Q. Why don't they work out?</p> <p>22 A. I couldn't -- I couldn't perform</p> <p>23 the work that they needed me to perform in</p>	<p>1 PrideStaff or Dedicated Personnel, or did it</p> <p>2 come from the company for which you were</p> <p>3 working?</p> <p>4 A. It came from PrideStaff and</p> <p>5 Dedicated Personnel.</p> <p>6 Q. Okay. How long was that period</p> <p>7 where you were trying to work for warehouses</p> <p>8 through the temp agencies?</p> <p>9 A. After I lost my job with Outback</p> <p>10 and Pappadeaux.</p> <p>11 Q. Was there a period of time where</p> <p>12 you were unemployed after Outback and did</p> <p>13 you say Pappadeaux?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. Was there a period of time</p> <p>16 where you were unemployed after those jobs</p> <p>17 ended?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. About how long?</p> <p>20 A. Up until I was able to get the --</p> <p>21 get the job with Milo's. So during that</p> <p>22 gap, since -- you remember -- the accident</p> <p>23 was in 2020. I didn't get a stable job</p>
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<p>1 the warehouses.</p> <p>2 Q. And why was that?</p> <p>3 A. Because my ankle was messed up.</p> <p>4 I couldn't walk. You know, the warehouses</p> <p>5 are real big. So I couldn't perform those,</p> <p>6 and I was let go.</p> <p>7 Q. Which warehouse was that where</p> <p>8 you had trouble performing your job duties?</p> <p>9 A. I don't know the particular name</p> <p>10 of them off the head, but I know some was</p> <p>11 located in Pelham. It was -- I worked in,</p> <p>12 like, the freezer section of that job. And</p> <p>13 for, like, Mercedes, through Automation and</p> <p>14 stuff.</p> <p>15 Q. And those were jobs you had --</p> <p>16 the warehouse jobs were jobs you got through</p> <p>17 the temp agencies?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And those would have been the</p> <p>20 PrideStaff or the Dedicated Personnel</p> <p>21 agencies?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Did your paycheck come from</p>	<p>1 until 2021 of August when I worked for</p> <p>2 Milo's Tea Company.</p> <p>3 Q. Okay. When you were working</p> <p>4 through the temp agencies at the warehouses</p> <p>5 and realized that there were some things you</p> <p>6 couldn't perform, did you talk to anybody</p> <p>7 about maybe changing your job duties?</p> <p>8 A. It doesn't work like that. When</p> <p>9 you take the temp service job, they tell you</p> <p>10 what you will be doing. So you have got to</p> <p>11 do what they ask you to do when you get</p> <p>12 there.</p> <p>13 Q. And what was the reason your</p> <p>14 warehouse jobs ended through the temp</p> <p>15 service?</p> <p>16 A. They don't tell you.</p> <p>17 Q. Okay. So before the warehouse</p> <p>18 jobs through the temp services, you were</p> <p>19 working for both Outback and Pappadeaux?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. At the same time?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Okay. When did you start --</p>

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<p style="text-align: right;">Page 29</p> <p>1 let's start with Outback first. When did 2 you start there? 3 A. I worked there for at least three 4 years, I know. 5 Q. And which location? 6 A. Hoover and the 280 location. 7 Q. Did you just kind of go wherever 8 they needed you? 9 A. No, ma'am. I was at the Hoover 10 location first, and I managed the 280 11 location. 12 Q. I see. Okay. So about three 13 years before the Outback job ended you 14 started at Hoover; is that right? 15 A. Yes, ma'am. 16 Q. And what was your job title when 17 you first started with Outback in Hoover? 18 A. Prep cook. 19 Q. And at that time, what were you 20 earning? 21 A. I was making, like, \$16 at 22 Outback, about \$16. 23 Q. Were you also given tips as a</p>	<p style="text-align: right;">Page 31</p> <p>1 store? 2 A. I transferred with Mario to that 3 store, because he wanted me to come to that 4 store with him. 5 Q. Okay. When you moved to the 280 6 store, did your pay change at all? 7 A. I got more hours and more 8 money. I didn't start off with 16. So I 9 probably -- I worked my way up to that. 10 Q. Okay. So when you were the 11 manager at the 280 store, you were getting 12 16 and probably a little less at the Hoover 13 store? 14 A. Yes. I was getting way less at 15 the Hoover store. 16 Q. Okay. All right. I know I'm 17 jumping around. I apologize. But that's 18 the way my brain works sometimes. 19 A. You're fine. That's fine. 20 Q. At the Hoover Outback store, how 21 often were you working there, how many days 22 a week and what were your hours? 23 A. I worked every day. I would work</p>
<p style="text-align: right;">Page 30</p> <p>1 prep cook? 2 A. No, ma'am. 3 Q. Okay. Who was your supervisor 4 when you were in that job position at 5 Hoover? 6 A. Mario. 7 Q. Do you remember his last name? 8 A. No, ma'am. 9 Q. That's okay. 10 A. We called him Mario. 11 Q. I understand. Okay. So at some 12 point -- when you were at the Hoover 13 Outback, did your job title ever change, or 14 were you always a prep cook at the Hoover 15 Outback? 16 A. Yes, ma'am, it changed once I got 17 to the 280 one, because I managed that 18 store. 19 Q. Okay. How long were you at the 20 Hoover store? 21 A. About a year, I would say. 22 Q. And then you were -- I assume it 23 was a promotion as a manager at the 280</p>	<p style="text-align: right;">Page 32</p> <p>1 morning to night, open to close. 2 Q. All right. At the 280 Outback 3 store, you got a pay increase, and I think 4 you said your hours changed; is that right? 5 A. I got more hours, yes. I still 6 worked open to close with Outback. 7 Q. Was it Monday through Friday or 8 weekends too? 9 A. Weekends too. 10 Q. Okay. So seven days a week, open 11 to close? 12 A. Yes, just about. 13 Q. And was Mario still your 14 supervisor at the 280 store? 15 A. Yes, ma'am. 16 Q. As part of your job at the 280 17 Outback store, did you receive any paid 18 vacation or paid sick days? 19 A. I had paid sick days, but I don't 20 think I took them or anything. I think I 21 just -- you know how you put it in to get an 22 extra check or something like that. 23 Q. Any idea how many paid sick days</p>

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<p>1 you were given there?</p> <p>2 A. Uh-uh (negative).</p> <p>3 Q. Is that a yes or no?</p> <p>4 A. Oh, no, ma'am.</p> <p>5 Q. Thank you.</p> <p>6 A. I can't recall.</p> <p>7 Q. From the time you started at the</p> <p>8 280 store until that job ended, did your job</p> <p>9 title change at any point, or were you the</p> <p>10 manager that entire time period?</p> <p>11 A. At the 280 store?</p> <p>12 Q. Yes. Have you ever held any</p> <p>13 other job titles at the 280 store besides</p> <p>14 store manager or restaurant manager?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Okay. And did your pay stay the</p> <p>17 same the entire time you were at the 280</p> <p>18 Outback store?</p> <p>19 A. I got a raise at one point.</p> <p>20 That's why I got up to 16.</p> <p>21 Q. What were you making back on</p> <p>22 October 15, 2020, at Outback?</p> <p>23 A. I was making about 16.</p>	<p>1 Q. Okay. Specifically what job</p> <p>2 duties were you unable to perform?</p> <p>3 A. I wasn't able to manage the</p> <p>4 kitchen like I used to. I wasn't able to</p> <p>5 stand up for long periods of time anymore.</p> <p>6 It was just hard to work so...</p> <p>7 Q. And what prevented you from</p> <p>8 managing the kitchen like you had done</p> <p>9 before?</p> <p>10 A. My ankle.</p> <p>11 Q. Is that also what prevented you</p> <p>12 from standing up for long periods of time?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. When did it start becoming a</p> <p>15 problem for you to do your job duties at the</p> <p>16 280 Outback store?</p> <p>17 A. After the accident.</p> <p>18 Q. Immediately after it?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Was Mario your supervisor the</p> <p>21 entire time you were at the 280 location?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Did you ever go to Mario and ask</p>
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<p>1 Q. Did you receive any health</p> <p>2 insurance through your job at Outback?</p> <p>3 A. I didn't have any health</p> <p>4 insurance.</p> <p>5 Q. On October 15, 2020, you did not</p> <p>6 have health insurance; is that right?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. All right. When did your job at</p> <p>9 the 280 or with Outback, either store, when</p> <p>10 did that end?</p> <p>11 A. Right before the holidays.</p> <p>12 Q. Okay. You never went back to the</p> <p>13 Hoover store, did you?</p> <p>14 A. No, ma'am.</p> <p>15 Q. So the holidays of 2020?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. So it would have been the end of</p> <p>18 the year of 2020?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And why did your job end with</p> <p>21 Outback back then?</p> <p>22 A. I wasn't able to perform like I</p> <p>23 used to.</p>	<p>1 him if he could change some of your job</p> <p>2 duties?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Tell me how that went.</p> <p>5 A. I wasn't able to do the work as a</p> <p>6 manager of the back of the house. He would</p> <p>7 come in and, you know, help out with getting</p> <p>8 things done and stuff. But I wasn't able to</p> <p>9 manage like I used to. I wasn't the same</p> <p>10 anymore.</p> <p>11 Q. Are there any other job duties</p> <p>12 that you couldn't perform after the</p> <p>13 October 15, 2020, incident besides being</p> <p>14 able to stand for long periods of time or</p> <p>15 manage the kitchen the way you had?</p> <p>16 A. You said is there any more?</p> <p>17 Q. Sure. I'm trying to figure out</p> <p>18 -- if you can just tell me all of the job</p> <p>19 duties that you were not able to perform</p> <p>20 after October 15, 2020. What were those</p> <p>21 specific job duties that you were no longer</p> <p>22 able to perform?</p> <p>23 A. So we said stand. I wasn't able</p>

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<p>1 to move around. I wasn't able to get my</p> <p>2 recipes done in time enough like I was</p> <p>3 supposed to. I just wasn't able to work the</p> <p>4 same, period.</p> <p>5 Q. And was it your ankle that caused</p> <p>6 all of those problems?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. What about your ankle was it that</p> <p>9 caused the problems?</p> <p>10 A. I was in pain. I couldn't stand</p> <p>11 up. Also, you know, like, being the star of</p> <p>12 the kitchen, I would, you know, try to still</p> <p>13 do my job. And I wasn't -- I knew I wasn't</p> <p>14 the same anymore.</p> <p>15 Q. When you talk about not being</p> <p>16 able to get recipes done on time, what was</p> <p>17 that? What were the recipes that you had to</p> <p>18 do?</p> <p>19 A. Any recipes in the kitchen, as in</p> <p>20 stuff that needed to be made by the time we</p> <p>21 opened up or served to the customers.</p> <p>22 Q. Were you cooking?</p> <p>23 A. Yes, ma'am.</p>	<p>1 knew I couldn't perform like I was supposed</p> <p>2 to perform. So that was the best decision.</p> <p>3 Q. Is that what you were told?</p> <p>4 A. Yes, ma'am. I agreed with him.</p> <p>5 Q. Was it Mario that let you go?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Following October 15, 2020, did</p> <p>8 any of your doctors ever give you any work</p> <p>9 restrictions?</p> <p>10 A. What does that mean?</p> <p>11 Q. Sure. It would be -- first of</p> <p>12 all, did they ever tell you you could not</p> <p>13 return to work until X date? Like, did they</p> <p>14 ever tell you, Do not work until a certain</p> <p>15 date?</p> <p>16 A. Are you talking about when I went</p> <p>17 to the hospital for the --</p> <p>18 Q. Sure. Just any time after</p> <p>19 October 15, 2020.</p> <p>20 A. Well, I tried to get seen for it,</p> <p>21 but I wasn't able to be seen because I</p> <p>22 didn't have insurance. So I tried to see</p> <p>23 what was wrong. I wasn't able to be seen.</p>
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<p>1 Q. Okay. And had you been</p> <p>2 performing those same job duties at the</p> <p>3 Outback 280 store before October 15, 2020?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Like the cooking and being on</p> <p>6 your feet?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Did you ever talk to Mario and</p> <p>9 ask him if there was another job that you</p> <p>10 could do that would allow you to sit more?</p> <p>11 A. Well, when you are managing or in</p> <p>12 any position in a restaurant, it's really</p> <p>13 not a sit-down job.</p> <p>14 Q. Did he tell you there weren't any</p> <p>15 sit-down jobs available?</p> <p>16 A. We just decided to part ways.</p> <p>17 Q. And that's what I was going to</p> <p>18 ask you about next. Did you resign, or were</p> <p>19 you let go from Outback?</p> <p>20 A. I was let go.</p> <p>21 Q. Were you given a reason as to why</p> <p>22 they were letting you go?</p> <p>23 A. I wasn't the same anymore, so I</p>	<p>1 Q. Okay. Was there a doctor that</p> <p>2 ever said, I don't want you to work until</p> <p>3 another three months, or something like</p> <p>4 that?</p> <p>5 A. During 2020?</p> <p>6 Q. Yes. Or 2021.</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Okay. Which doctor was that that</p> <p>9 gave you a work restriction?</p> <p>10 A. Well, I wasn't supposed to work</p> <p>11 when I had my surgery.</p> <p>12 Q. Okay. For how long?</p> <p>13 A. I'm not sure.</p> <p>14 Q. At some point were you told that</p> <p>15 you could return to work after the surgery?</p> <p>16 A. I'm not sure.</p> <p>17 Q. Were you ever told either not to</p> <p>18 be on your feet or given any weight lifting</p> <p>19 restrictions?</p> <p>20 A. With the ankle?</p> <p>21 Q. Right. Or any of the injuries</p> <p>22 that you relate to the incident at Wal-Mart.</p> <p>23 A. I couldn't be on my feet because,</p>

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<p style="text-align: right;">Page 41</p> <p>1 when I was on my feet, I was in pain.</p> <p>2 Q. And I understand that. I'm just</p> <p>3 wondering if any doctor ever said, I don't</p> <p>4 want you on your feet for a period of three</p> <p>5 weeks, three months, or whatever.</p> <p>6 A. Well, see, after the accident, I</p> <p>7 went to the hospital. I was referred to the</p> <p>8 orthopedic. But during that time, I didn't</p> <p>9 have insurance, so it was hard for me to try</p> <p>10 to be seen. I knew something was wrong.</p> <p>11 But at the time, I didn't have insurance to</p> <p>12 be seen and, you know, get the help that I</p> <p>13 needed.</p> <p>14 Q. At some point did you get health</p> <p>15 insurance?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. When did you get health</p> <p>18 insurance?</p> <p>19 A. I finally got insurance the</p> <p>20 following year in January.</p> <p>21 Q. So January of 2021?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. And was that provided through a</p>	<p style="text-align: right;">Page 43</p> <p>1 take a break?</p> <p>2 MS. GORDON: Sure.</p> <p>3 (Whereupon, a brief recess was</p> <p>4 taken from 2:08 p.m. until</p> <p>5 2:11 p.m.)</p> <p>6 Q. (By Ms. Gordon) Okay. Just to</p> <p>7 clarify, since October of 2020, have you had</p> <p>8 health insurance with any entity besides</p> <p>9 Blue Cross Blue Shield?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Okay. And you just had it for a</p> <p>12 period of a few months; is that right?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. All right. Now tell me about</p> <p>15 your job at Pappadeaux. When did you start</p> <p>16 there?</p> <p>17 A. I will say I worked there for</p> <p>18 about a year.</p> <p>19 Q. Which Outback location were you</p> <p>20 working at when you also worked at</p> <p>21 Pappadeaux?</p> <p>22 A. The 280.</p> <p>23 Q. All right. And what were your</p>
<p style="text-align: right;">Page 42</p> <p>1 job?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Who was your health insurance</p> <p>4 with when you got it in January '21?</p> <p>5 A. I went through the health market.</p> <p>6 Q. Are you the policyholder on the</p> <p>7 health insurance?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Do you know which insurance</p> <p>10 company has the insurance?</p> <p>11 A. I'm not sure. I'm thinking Blue</p> <p>12 Cross Blue Shield.</p> <p>13 Q. Have you had the same health</p> <p>14 insurance policy since January of 2021?</p> <p>15 A. I don't have insurance.</p> <p>16 Q. Okay. How long did you have it</p> <p>17 after you got it in January of 2021?</p> <p>18 A. I would say a few months. My mom</p> <p>19 helped me pay for it since I was in between</p> <p>20 jobs, trying to find a job. So she helped</p> <p>21 me pay for it because she knew I needed to</p> <p>22 see what was going on with the ankle.</p> <p>23 MS. WASHINGTON: Can we pause and</p>	<p style="text-align: right;">Page 44</p> <p>1 hours at Pappadeaux?</p> <p>2 A. I would work during the</p> <p>3 nighttime.</p> <p>4 Q. About what time would you get</p> <p>5 there and what time would you leave?</p> <p>6 A. I will say I was supposed to be</p> <p>7 there around five and leave at closing time.</p> <p>8 Q. And how many days a week did you</p> <p>9 do that?</p> <p>10 A. I will say probably about -- I</p> <p>11 know the weekends. About four or five days</p> <p>12 or three to four days. I'm not sure.</p> <p>13 Q. Was that the case the entire year</p> <p>14 you worked there?</p> <p>15 A. Ma'am?</p> <p>16 Q. Was that the case the entire time</p> <p>17 you worked there where you worked about</p> <p>18 three to five days a week?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And worked the nighttime hours?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. And who was your supervisor when</p> <p>23 you worked at Pappadeaux?</p>

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1 A. Mr. Warren.
 2 Q. What was your job title there?
 3 A. I only worked at the pantry
 4 section -- station, I mean, I'm sorry.
 5 Q. Was that a stand-up job?
 6 A. Yes, ma'am.
 7 Q. And did you have any other jobs
 8 at Pappadeaux?
 9 A. No, ma'am.
 10 Q. What did you earn there?
 11 A. I will say probably about 14 -- I
 12 can't recall -- I believe.
 13 Q. Were you working at Pappadeaux on
 14 October 15, 2020?
 15 A. I think I had stopped working
 16 there by then.
 17 Q. And why did you stop working at
 18 Pappadeaux?
 19 A. I went to be full-time with
 20 Outback.
 21 Q. When you were working at
 22 Pappadeaux, were you part-time with Outback?
 23 A. No. I was still full-time.

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1 Q. Okay.
 2 A. But you know when I said "morning
 3 and night," I went back to work morning and
 4 night with Outback. So I gave up my nights
 5 at one point and went to Pappadeaux. And
 6 then I stopped working with them, and I was
 7 just full-time with Outback.
 8 Q. Okay. And did your leaving
 9 Pappadeaux have anything to do with any of
 10 the claims you are making in this lawsuit?
 11 A. No, ma'am.
 12 Q. Because that happened before the
 13 incident; is that right?
 14 A. Yes, ma'am.
 15 Q. All right. After your job at
 16 Outback ended, I believe you told me there
 17 was a period of time where you were not
 18 employed at all; is that correct?
 19 A. Yes, ma'am.
 20 Q. And then you started those temp
 21 jobs with the warehouses; is that right?
 22 A. Yes, ma'am.
 23 Q. Okay. Any other jobs in between

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1 Outback and when you started with Milo's?
 2 A. No, ma'am, I don't think so.
 3 Q. Were there any jobs that you
 4 applied for but did not get in between that
 5 time period?
 6 A. Yes, ma'am.
 7 Q. Tell me about those.
 8 A. I did numerous applications.
 9 Q. Were there places where you sent
 10 in an application, and then you would get
 11 called back for an interview?
 12 A. Yes, ma'am.
 13 Q. Did you make it to the interview
 14 point for any of those jobs?
 15 A. Uh-huh (affirmative).
 16 Q. And what were you told at the
 17 interviews?
 18 A. I would receive a call back or
 19 something like that.
 20 Q. And then you didn't receive a
 21 call?
 22 A. Uh-uh (negative).
 23 Q. Okay. Do you remember where any

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1 of those jobs were that you applied for but
 2 did not get?
 3 A. A lot of hospital jobs. I tried
 4 to get the sit-down jobs and stuff.
 5 Q. Now, are you claiming that you
 6 missed time from work as a result of the
 7 incident on October 15, 2020?
 8 A. Yes, ma'am.
 9 Q. Okay. And that would have been
 10 time that you missed from your job with
 11 Outback on 280?
 12 A. Yes, ma'am.
 13 Q. Are you claiming that you missed
 14 time from work with any other jobs as a
 15 result of October 15, 2020?
 16 A. Yes, ma'am.
 17 Q. Okay. Where else?
 18 A. I think I was let go because I
 19 wasn't able to perform. Like, all the temp
 20 service jobs, I think I was let go because I
 21 wasn't able to perform.
 22 Q. Okay. What did you earn through
 23 those temp jobs, the warehouses?

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1 A. The bare minimum, like, \$12 to
 2 \$13. Or sometimes 8 they -- they would say.
 3 COURT REPORTER: Did you say
 4 "Sometimes 8?"
 5 A. Like, 8.75.
 6 Q. (By Ms. Gordon) Did you resign
 7 from any of the temp jobs that you had in
 8 between Outback and Milo's?
 9 A. No, ma'am.
 10 Q. Any of them that ended, it was
 11 because you were let go?
 12 A. Yes, ma'am.
 13 Q. And it's your testimony that you
 14 were let go from those jobs because you
 15 could not perform your job duties?
 16 A. Yes, ma'am.
 17 Q. And would it be PrideStaff and
 18 Dedicated Personnel that would have any
 19 payroll or attendance records for those temp
 20 jobs?
 21 A. Yes, ma'am.
 22 Q. All right. Tell me about any
 23 time that you missed from work at Outback

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1 280 that you claim was a result of
 2 October 15, 2020.
 3 A. Can you explain that question?
 4 Q. Sure. Are you claiming that
 5 there were days that you could not go to
 6 work at Outback because of the incident at
 7 Wal-Mart?
 8 A. I went to work. I couldn't
 9 perform the duties of the job like I was
 10 supposed to, like I did before the accident.
 11 Q. Okay. And I understand that your
 12 testimony is that you were let go from there
 13 because you could not perform the jobs; is
 14 that right?
 15 A. Yes, ma'am.
 16 Q. Okay. But before you were let
 17 go, were there any days where you are
 18 claiming you couldn't go to work because of
 19 injuries you relate to the incident at
 20 Wal-Mart?
 21 A. No, ma'am.
 22 Q. Or are you claiming that there
 23 were days where you couldn't work a full day

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1 even though you were scheduled to work a
 2 full day because of injuries you relate to
 3 the incident at Wal-Mart?
 4 A. So are you saying, like, did
 5 I decide to stay there even though I
 6 couldn't -- I wasn't able to stand up or
 7 something?
 8 Q. No. It would be more, like, are
 9 you claiming that there were days you had to
 10 call in and say, I can't come because I am
 11 in so much pain or --
 12 A. No, ma'am. Because I had bills,
 13 so I had to go to work.
 14 Q. Okay. And you were not provided
 15 health insurance through Outback; correct?
 16 A. No, ma'am.
 17 Q. That was a bad question.
 18 Did Outback provide you with
 19 health insurance?
 20 A. I didn't have health insurance.
 21 Q. Okay. Have you ever applied for
 22 unemployment benefits?
 23 A. No, because I was working during

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1 that time, so I couldn't apply.
 2 By the time I was let go, I'm not
 3 sure if I applied for it. I don't think I
 4 did. I don't know.
 5 Q. Okay. And before we move on to
 6 another topic, I'm going to mark a pay stub
 7 that you gave us as part of your document
 8 production as Defendant's Exhibit 1. And I
 9 am going to give you a copy of it. And I
 10 think I have mine.
 11 Is this one of your pay stubs
 12 from when you worked at Outback?
 13 A. Yes, ma'am.
 14 (Whereupon, Defendant's Exhibit
 15 No. 1 was marked and is attached
 16 to the original transcript.)
 17 Q. (By Ms. Gordon) Okay. And what
 18 is the -- this was for the pay period of
 19 June 3, 2019, through June 16, 2019; is that
 20 correct? It looks like the top right is
 21 where I saw it.
 22 A. Yes, ma'am.
 23 Q. Okay. And it says that -- so

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<p>1 that would have been before October 15, 2 2020; right? 3 A. Uh-huh (affirmative). 4 Q. Is that a yes? 5 A. Yes, ma'am. 6 Q. Okay. 7 A. I'm sorry. 8 Q. That's okay. And in June of 9 2019, it looks like your pay rate was 10 \$15.25. Does that sound right to you? 11 A. Yes, ma'am. 12 Q. And you were paid on a biweekly 13 basis? 14 A. Yes, ma'am. 15 Q. Okay. Do you think that your pay 16 changed between June of 2019 and October of 17 2020? 18 A. Yes, ma'am. 19 Q. All right. Do you have a more 20 current pay statement from Outback or one 21 that was closer to October of 2020? 22 A. No, ma'am. 23 Q. Would your pay have increased</p>	<p>1 two-week pay period; correct? 2 A. Yes, ma'am. 3 Q. So the total number of hours 4 worked would be for a two-week period; is 5 that right? 6 A. Yes, ma'am. 7 Q. So you worked about 36.5 hours 8 over a two-week period; is that right? 9 A. Or more, yes, ma'am. 10 Q. And it lists your -- in the 11 earnings section, it lists your job as 12 A.M. prep. Do you know what that stands 13 for? 14 A. Yes, ma'am. 15 Q. What does it stand for? 16 A. A.M. prep. 17 Q. Like, morning prep? 18 A. Yes, ma'am. 19 Q. A prep cook? 20 A. That's the job description that 21 they had me in as. 22 Q. Did that job description ever 23 change on your pay statement when you became</p>
Page 54	Page 56
<p>1 between June of 2019 and October of 2020? 2 A. I made a lot of hours at Outback. 3 So I think it would have probably been more 4 around the same. How many hours are on 5 there? Yeah, I worked a lot of hours there. 6 Q. Yes, this one shows 36.5667. So 7 would that be a typical week for you at 8 Outback? 9 A. On 280, I was working overtime. 10 So I got more than 36 hours over there. 11 Q. And it looks like this was the 12 280 one. Do you see the unit? It says 13 "Inverness." Is that the 280 location? 14 Kind of top middle. 15 A. Top middle? 16 Q. Yes. Let me point to it. I saw 17 it right there (indicating). 18 A. Yes, ma'am. 19 Q. So does that mean this was a pay 20 statement from the 280 location? 21 A. Yes, ma'am. 22 Q. And it's for a pay period of 23 about 13 days. So that would be about the</p>	<p>1 manager? 2 A. No, ma'am. They just changed the 3 pay, the pay rate. 4 Q. Okay. And your current job, have 5 you been told an end date, or is it just 6 kind of to be determined? 7 A. It's a temp service so, you know, 8 it's temp to hire. 9 Q. Okay. What about have you ever 10 been arrested or convicted of a crime? 11 A. No, ma'am. 12 Q. Have you ever filed for 13 bankruptcy? 14 A. No, ma'am. 15 Q. Are you a member of any churches, 16 social clubs, or organizations in either 17 Jefferson, Blount, or Shelby County? 18 A. Say that again. 19 Q. Sure. 20 A. Do I go to church? 21 Q. I'm just asking -- this is just 22 for purposes of picking people for the jury. 23 I don't want some of your church members,</p>

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<p>1 your friends, or friends from other 2 organizations on the jury, just like you 3 probably wouldn't want people that are 4 employed by Wal-Mart or something on the 5 jury. 6 But do you have any -- are you a 7 member of any churches, social clubs, or 8 organizations in either Jefferson, Shelby 9 County, or Blount County? 10 A. No, ma'am. 11 Q. Okay. All right. Before 12 October 15, 2020, were you taking any 13 medication on a regular basis? 14 A. No, ma'am. 15 Q. Were you suffering from any 16 chronic medical conditions before 17 October 15, 2020? 18 A. No, ma'am. 19 Q. Had you been diagnosed with 20 diabetes or high blood pressure, anything 21 like that, before October 15, 2020? 22 A. No, ma'am. 23 Q. Have you since been diagnosed</p>	<p>1 Q. Had you ever suffered any 2 injuries to either of your hips before 3 October 15, 2020? 4 A. No, ma'am. 5 Q. What about to either of your 6 ankles; had you ever suffered any injuries 7 to either of your ankles before October 15, 8 2020? 9 A. Yes, ma'am. 10 Q. Will you tell me about that, 11 please? 12 A. I have been in a car accident 13 before. 14 Q. Okay. When was that? 15 A. I believe -- I believe at the 16 beginning of 2020. 17 Q. Okay. Where were you when that 18 happened? 19 A. Birmingham, Alabama. 20 Q. Were you on the interstate or the 21 side road or -- where were you? 22 A. I was on a regular road. 23 Q. Okay. What part of Birmingham?</p>
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<p>1 with any chronic medical conditions? And 2 that would be things that require you to 3 take medicine on a regular basis, like high 4 blood pressure or diabetes. 5 A. No, ma'am. 6 Q. Did you play any sports in high 7 school? 8 A. I ran track. 9 Q. Were you ever injured doing that? 10 A. No, ma'am. 11 Q. Have you ever suffered an 12 on-the-job injury? 13 A. No, ma'am. 14 Q. Have you ever filed for workers' 15 compensation benefits? 16 A. No, ma'am. 17 Q. Before October 15, 2020, were you 18 involved in any sports or exercise 19 activities? 20 A. No, ma'am. 21 Q. Before October 15, 2020 had you 22 ever suffered any injuries to your back? 23 A. No, ma'am.</p>	<p>1 A. I think it was Birmingham, 2 Alabama, like the west side or something. 3 Q. Okay. And tell me how the 4 accident happened. 5 A. It was raining, and I lost 6 control of the vehicle. A head collision -- 7 a head-on collision. 8 Q. With another car? 9 A. Yes, ma'am. 10 Q. You were the driver of your car? 11 A. Yes, ma'am. 12 Q. What type of car were you in? 13 A. Hyundai Sonata. 14 Q. Was anybody in the car with you? 15 A. Yes, ma'am. 16 Q. Who was with you? 17 A. A friend. 18 Q. What was his or her name? 19 A. I don't know the last name. 20 Brandon. 21 Q. Okay. Was a police report 22 completed as a result of that accident? 23 A. Yes, ma'am.</p>

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<p>1 Q. Do you remember which police 2 entity -- that's the best word I can come up 3 with -- completed it? 4 A. No, ma'am. 5 Q. Was it, like, the Birmingham 6 Police Department or a city police 7 department? 8 A. I believe so. Probably. 9 Q. You think it was Birmingham? 10 A. Yes, ma'am. 11 Q. Were you given any citations or 12 tickets as a result of that accident? 13 A. What does that mean? 14 Q. Like, did they give you a ticket, 15 like, for no insurance or no seat belt or 16 speeding or DUI or anything like that? 17 A. No, ma'am. 18 Q. Okay. Was the Hyundai damaged in 19 the accident? 20 A. Yes, ma'am. 21 Q. Was it totaled? 22 A. Yes, ma'am. 23 Q. Did you have automobile insurance</p>	<p>1 A. Yes, ma'am. 2 Q. And which hospital were you taken 3 to? 4 A. Grandview. 5 Q. Were you diagnosed with any 6 fractures or broken bones at Grandview? 7 A. No, ma'am. 8 Q. Did you stay there overnight, or 9 did you go home the same day? 10 A. I was in the hospital a few days 11 because I was bleeding internally from the 12 spleen. 13 Q. Did you have surgery on your 14 spleen? 15 A. No, ma'am. They called it off. 16 Q. Did you have to have surgery on 17 your knee or your ankle? 18 A. No, ma'am. 19 Q. Did you receive treatment from 20 anywhere else, besides Grandview, as a 21 result of the 2020 automobile accident? 22 A. No, ma'am. 23 Q. Did you ever have to see an</p>
Page 62	Page 64
<p>1 back then? 2 A. I'm not sure. 3 Q. Do you have it now? 4 A. Yes, ma'am. 5 Q. Who is it with now? 6 A. It's a funny name. I can't 7 remember the name of it. 8 Q. If you think of it, just feel 9 free to interrupt me and let me know. 10 A. Yes, ma'am. 11 Q. Okay. Were you injured in the 12 automobile accident? 13 A. Yes, ma'am. 14 Q. How were you injured? 15 A. My spleen was cracked internally. 16 My knee was saturated [sic]. And my ankle 17 was sprained. 18 Q. Okay. Which knee? 19 A. The left -- left one. 20 Q. And which ankle? 21 A. Right. 22 Q. Were you taken by ambulance from 23 the scene?</p>	<p>1 orthopedic doctor for any injuries from the 2 automobile accident? 3 A. No, ma'am. 4 Q. Okay. So after that initial ER 5 visit, there was no other treatment related 6 to the automobile accident? 7 A. No, ma'am. 8 Q. Did any lawsuits arise out of 9 that accident? 10 A. No, ma'am. 11 Q. You haven't been sued and you 12 haven't sued anybody about that? 13 A. No, ma'am. 14 Q. Any other injuries to either your 15 hip, back, or ankles before October 15, 16 2020? 17 A. No, ma'am. 18 Q. Okay. And besides the treatment 19 at Grandview, had any doctors treated you 20 for any hip, back, or ankle pain or problems 21 before October 15, 2020? 22 A. No, ma'am. 23 Q. Were you given a specific</p>

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<p>1 diagnosis with regard to your ankle</p> <p>2 following the 2020 automobile accident?</p> <p>3 A. The biggest thing was my knee,</p> <p>4 because it had saturated out -- and the</p> <p>5 spleen -- because it was cracked internally.</p> <p>6 They wanted the blood to stop, and it</p> <p>7 stopped on its own.</p> <p>8 Q. Okay. Did you have to wear any</p> <p>9 braces on your knee or your ankle after</p> <p>10 that?</p> <p>11 A. Uh-uh (negative).</p> <p>12 Q. Is that a no?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Thank you. Did the automobile</p> <p>15 cause you -- accident cause you to have pain</p> <p>16 in either your knee or your ankle?</p> <p>17 A. My knee was hurting, but I think</p> <p>18 my ankle was sprung or something --</p> <p>19 sprained.</p> <p>20 Q. How long did it take for your</p> <p>21 knee pain to go away, if it did?</p> <p>22 A. Not long.</p> <p>23 Q. Like a few weeks? A few months?</p>	<p>1 those injuries?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Had all of the injuries from the</p> <p>4 automobile accident healed by the time the</p> <p>5 incident at Wal-Mart happened?</p> <p>6 A. I believe so.</p> <p>7 Q. And when you went to the ER after</p> <p>8 the automobile accident, did any of the</p> <p>9 doctors there recommend that you seek any</p> <p>10 additional treatment for any of your</p> <p>11 injuries from the automobile accident?</p> <p>12 A. I'm not sure. I'm not sure.</p> <p>13 Q. Was that ER visit something you</p> <p>14 had to pay for out of pocket after the</p> <p>15 automobile accident?</p> <p>16 A. I'm not sure.</p> <p>17 Q. Okay. Did you have health</p> <p>18 insurance back then when the automobile</p> <p>19 accident happened?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Have you been involved in any</p> <p>22 other automobile accidents, whether you were</p> <p>23 the driver or a passenger, before</p>
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<p>1 A. I will say a few weeks, I guess,</p> <p>2 because I had to get it stitched up.</p> <p>3 Q. Did you miss some work as a</p> <p>4 result of the automobile accident?</p> <p>5 A. Whatever time they told me to be</p> <p>6 off, that's what I was off, and I went back</p> <p>7 to work.</p> <p>8 Q. Okay. And did your ankle hurt</p> <p>9 you at all after the automobile accident?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Did you report ankle pain at the</p> <p>12 ER that day, the day of the automobile</p> <p>13 accident?</p> <p>14 A. It was sprained.</p> <p>15 Q. Okay. And did the pain go away</p> <p>16 right after you left the emergency room, or</p> <p>17 did it linger for some time?</p> <p>18 A. It didn't go right away, but I</p> <p>19 think they said it was healed. The biggest</p> <p>20 -- the biggest thing was my knee and, on the</p> <p>21 inside, my spleen.</p> <p>22 Q. And you didn't have to have any</p> <p>23 follow-up treatment with anyone for any of</p>	<p>1 October 15, 2020?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Okay. Have you been in any</p> <p>4 automobile accidents since October 15, 2020?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Have you suffered any falls or</p> <p>7 other injuries to either your hip, your</p> <p>8 back, or your ankles since October 15, 2020?</p> <p>9 A. Does that mean, like, have I --</p> <p>10 did I have continuous pain or something?</p> <p>11 Q. No. I'm really asking more,</p> <p>12 like, have there been any -- I know you are</p> <p>13 claiming that you fell on October 15, 2020.</p> <p>14 A. Uh-huh (affirmative).</p> <p>15 Q. Since that date, have you fallen</p> <p>16 on any other occasions or been involved in</p> <p>17 any other sort of accidents that led to</p> <p>18 injuries to your ankle, hip, or your back.</p> <p>19 A. No, ma'am.</p> <p>20 Q. Okay. Were you given any</p> <p>21 medication for the injuries caused by the</p> <p>22 automobile accident?</p> <p>23 A. No, ma'am. I can't recall.</p>

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<p>1 Q. Okay. What was your pharmacy 2 back then when you had the automobile 3 accident? Where did you get prescriptions 4 filled? 5 A. Usually, I will go to the 6 Wal-Mart Pharmacy. 7 Q. Which location? 8 A. Or not -- well, if it was 9 Wal-Mart, it was the one in Pelham. 10 Q. Okay. 11 A. And I go to CVS. 12 Q. And which CVS? 13 A. It would have been the one, like, 14 between Montgomery Highway... 15 Q. Okay. 16 A. I think that's where it is. In 17 Hoover. 18 Q. All right. Who do you consider 19 your primary care doctor today? 20 A. Today? 21 Q. Yes. 22 A. No one. 23 Q. If you thought you had the flu or</p>	<p>1 treated at Grandview. And then I am going 2 to get to the point where I talk to you 3 about where you were treated for injuries 4 you relate to the incident at Wal-Mart. 5 But have you been to any other 6 ERs besides Grandview -- had you been before 7 October 15, 2020? 8 A. Any other ERs? 9 Q. Yes, ma'am. 10 A. Before 2020? 11 Q. Yes. 12 A. I mean, if I went to the 13 hospital, it would have been in Shelby, at 14 Shelby Baptist. 15 Q. All right. What about were there 16 any urgent cares where you went more than 17 once before October 15, 2020? 18 A. No, ma'am. 19 Q. Okay. 20 A. I don't think so. 21 Q. Where did you deliver your 22 daughter? 23 A. I delivered her -- I was supposed</p>
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<p>1 strep throat or something like that, where 2 would you go? 3 A. I would go to UAB's -- I'm sorry. 4 I think it's, like, Urgent Care or 5 something. 6 Q. But it's affiliated with UAB? 7 A. Yes, ma'am. 8 Q. Okay. And back when -- like, 9 back early 2020, who did you consider your 10 primary care doctor? 11 A. I can't recall. 12 Q. I saw somewhere there was a 13 mention of a Dr. Shelley, and the last name 14 started with a "W," like Weisen-something. 15 Does that ring any bells? 16 A. I'm not sure. 17 Q. That's fine. I can't even 18 remember the last name. 19 Okay. Sitting here today, do you 20 recall any of your prior primary care 21 doctors? 22 A. No, ma'am. 23 Q. Okay. I know you have been</p>	<p>1 to deliver her at Shelby, but I delivered 2 her at UAB. 3 Q. Okay. Had you undergone any 4 surgeries before October 15, 2020? 5 A. No, ma'am. 6 Q. Had you broken any bones before 7 October 15, 2020? 8 A. No, ma'am. 9 Q. Had you seen a chiropractor 10 before October 15, 2020? 11 A. No, ma'am. 12 Q. What about since October 15, 13 2020, have you seen any chiropractors? 14 A. After? 15 Q. Yes. 16 A. I'm not sure. 17 Q. Okay. And have you suffered any 18 broken bones since October 15, 2020? 19 A. You are talking about, like, have 20 I broke something else or something? 21 Q. Yes. 22 A. No, ma'am. 23 Q. Okay. Have you had an ER visit</p>

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1 since the incident at Wal-Mart, not related
2 to that?
3 A. No, ma'am.
4 Q. Okay.
5 A. But I had COVID. I'm sorry.
6 Q. I see. Where were you treated
7 for that?
8 A. I think UAB. UAB told me I had
9 COVID.
10 Q. Okay. Are you doing okay, or do
11 you need a break?
12 A. Can we take a break?
13 Q. Sure. It's a good stopping
14 point. That's why I asked.
15 A. Okay.
16 (Whereupon, a brief recess was
17 taken from 2:42 p.m. until
18 2:49 p.m.)
19 Q. (By Ms. Gordon) Okay. How tall
20 are you?
21 A. I will say probably, like,
22 five-four.
23 Q. Five-four. And now I want to ask

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1 you about October 15, 2020. Tell me about
2 what time the incident we are here about
3 today happened.
4 A. I know -- I know it was getting
5 towards nighttime.
6 Q. And from the surveillance videos
7 that we got from Wal-Mart, it looks like --
8 well, they cover a big span. But I think
9 the notes I have say it was around 7:20.
10 Does that sound right to you?
11 A. Yes, ma'am.
12 Q. Have you seen any of those
13 surveillance videos that I sent to your
14 lawyer?
15 A. Yes, ma'am.
16 Q. Okay. Were you able to -- were
17 you shown on any of those videos? Because I
18 tried to look for you, but I didn't know
19 what you looked like, so that made it hard.
20 A. I've got the picture -- oh, no.
21 That was a picture then. No.
22 Q. Okay. You haven't seen any of
23 the videos?

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1 A. Uh-uh (negative). I don't think
2 I've seen myself on a video.
3 Q. Okay.
4 A. But it was -- it was on, like,
5 the other side of something.
6 Q. Well, and that's what -- I will
7 represent to you that they tried to find a
8 video. There is no video on the aisle where
9 this happened. And so --
10 A. Yes, because I was surprised. I
11 had -- I had heard that you-all didn't have
12 a camera on that -- on that aisle.
13 Q. Correct. And so they provided
14 the video footage from the cameras nearest
15 that aisle.
16 A. Okay.
17 Q. So those are the ones we have.
18 Those are the ones that I have sent to your
19 attorney.
20 And like I said, I looked through
21 them, and I couldn't identify you. And I
22 was just curious if you were able -- if you
23 had looked at them and seen yourself shown

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1 on any of the videos.
2 Do you remember one way or the
3 other today if you are shown on any of those
4 videos?
5 A. No, ma'am, because -- no, ma'am.
6 Q. Okay. That's fine.
7 All right. So we think it was
8 about 7:20. So towards the end of the day;
9 is that right?
10 A. Yes, ma'am.
11 Q. And you were living at The Pearl
12 at the time?
13 A. Yes, ma'am.
14 Q. And this was at the Wal-Mart in
15 Helena?
16 A. Yes, ma'am.
17 Q. Okay. What had you been doing
18 that day?
19 A. I was going in there shopping for
20 dinner.
21 Q. Okay. And from my recollection,
22 there is a Wal-Mart probably a little closer
23 to you in Homewood. Were you in Helena for

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<p>1 a reason? What were you doing in Helena?</p> <p>2 A. At that time, my daughter's</p> <p>3 grandmother, they are, like, from there.</p> <p>4 So, you know, you can go a way to Bessemer.</p> <p>5 So we would go through that way and stop</p> <p>6 right there at that -- in Helena going to</p> <p>7 her grandma's house.</p> <p>8 Q. Okay. And so when you say --</p> <p>9 it's your daughter's grandmother?</p> <p>10 A. Uh-huh (affirmative).</p> <p>11 Q. So would it be Kevin's --</p> <p>12 A. Kevin's mom.</p> <p>13 Q. Kevin's mom?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. And she lives in Helena?</p> <p>16 A. She lives in Bessemer.</p> <p>17 Q. In Bessemer?</p> <p>18 A. Uh-huh (affirmative).</p> <p>19 Q. So where were you -- were you</p> <p>20 driving to Bessemer when you stopped at the</p> <p>21 Helena Wal-Mart? Where were you coming from</p> <p>22 and where were you headed when you stopped</p> <p>23 at --</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Who was with you?</p> <p>3 A. Kevin.</p> <p>4 Q. That's Kevin [REDACTED]?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Was it already dark outside when</p> <p>7 you stopped there?</p> <p>8 A. I can't -- I don't remember.</p> <p>9 Q. And another test of your memory,</p> <p>10 what was the weather like then?</p> <p>11 A. It was fine.</p> <p>12 Q. All right. No rain?</p> <p>13 A. No, ma'am.</p> <p>14 Q. The parking lot wasn't wet as far</p> <p>15 as you remember?</p> <p>16 A. No, ma'am. It wasn't raining</p> <p>17 that day.</p> <p>18 Q. And what were you stopping at</p> <p>19 Wal-Mart for?</p> <p>20 A. To get a couple of items.</p> <p>21 Q. Do you remember what you were</p> <p>22 getting?</p> <p>23 A. No, ma'am.</p>
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<p>1 A. I believe I was going to get her.</p> <p>2 That would have been the only way I was in</p> <p>3 Helena, because Helena is right by Bessemer.</p> <p>4 We will take that road right there to get to</p> <p>5 Allyson's grandma's house.</p> <p>6 Q. Had you worked that day?</p> <p>7 A. I can't recall.</p> <p>8 Q. Okay. But you think you were</p> <p>9 probably coming from the Homewood area or</p> <p>10 possibly from the Outback?</p> <p>11 A. I wasn't coming from the Homewood</p> <p>12 area. I'm not sure what I was -- where I</p> <p>13 was coming from.</p> <p>14 Q. Okay. But you think you ended up</p> <p>15 in Helena because you were on your way to</p> <p>16 Bessemer to get your daughter?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Okay. Had you already picked up</p> <p>19 your daughter by the time you stopped at the</p> <p>20 Helena Wal-Mart?</p> <p>21 A. No, ma'am.</p> <p>22 Q. Was anyone with you when you</p> <p>23 stopped at the Helena Wal-Mart?</p>	<p>1 Q. All right. Which -- is there</p> <p>2 more than one entrance to that store?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Do you remember which entrance</p> <p>5 you went in?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Did Kevin go inside with you?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. I took some screenshots from the</p> <p>10 surveillance video so that maybe it would</p> <p>11 refresh your recollection about which</p> <p>12 entrance you went in. And I will mark the</p> <p>13 first one as Defendant's Exhibit 2 and the</p> <p>14 second one as Defendant's Exhibit 3.</p> <p>15 Do you recognize either of these</p> <p>16 as being the entrance that you went in?</p> <p>17 A. I can't remember which entrance I</p> <p>18 went in.</p> <p>19 (Whereupon, Defendant's Exhibit</p> <p>20 Nos. 2 and 3 were marked and are</p> <p>21 attached to the original</p> <p>22 transcript.)</p> <p>23 Q. (By Ms. Gordon) That's fine.</p>

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<p>1 Okay. So you went in an</p> <p>2 entrance. And once you got inside, where</p> <p>3 did you go from there?</p> <p>4 A. I'm not sure. I just know I went</p> <p>5 in there to get a few items for dinner. I</p> <p>6 don't remember, like, everything I did. I</p> <p>7 don't remember.</p> <p>8 Q. Okay. Where did the incident</p> <p>9 happen?</p> <p>10 A. On the water aisle.</p> <p>11 Q. Like, where they sell the bottled</p> <p>12 water? Is that what you mean by "the water</p> <p>13 aisle"?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Did you and Kevin stay together</p> <p>16 the entire time you were in Wal-Mart that</p> <p>17 night?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. And did you have a buggy with</p> <p>20 you, a cart, a grocery cart?</p> <p>21 A. I'm not sure.</p> <p>22 Q. Were you carrying anything like a</p> <p>23 purse or a phone?</p>	<p>1 Q. You went down some other aisles</p> <p>2 first?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Did you have any problems going</p> <p>5 down those aisles?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Did you observe anything on the</p> <p>8 aisles you went down before the water aisle</p> <p>9 that caused you any concern?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Did you pass by any employees of</p> <p>12 Wal-Mart that you remember before you went</p> <p>13 down the water aisle?</p> <p>14 A. I don't remember.</p> <p>15 Q. Okay. All right. And if you</p> <p>16 will, just describe for me in as much detail</p> <p>17 as you can what happened that day on the</p> <p>18 water aisle.</p> <p>19 A. I went to reach to get some</p> <p>20 water, and I slipped and fell.</p> <p>21 Q. About how far down the water</p> <p>22 aisle was it when this happened -- where</p> <p>23 this happened?</p>
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<p>1 A. I know I probably had my purse</p> <p>2 over my shoulder.</p> <p>3 Q. What were you wearing that</p> <p>4 evening?</p> <p>5 A. I'm not sure, but I know I had</p> <p>6 some burgundy -- or some colored hair.</p> <p>7 Q. Okay. Any idea what shoes you</p> <p>8 were wearing that evening?</p> <p>9 A. They were sturdy shoes.</p> <p>10 Q. Can you describe them for me?</p> <p>11 A. No, ma'am.</p> <p>12 Q. How long had you been in this</p> <p>13 store before the fall happened?</p> <p>14 A. I don't believe I was in there</p> <p>15 long.</p> <p>16 Q. Any estimate as to how long?</p> <p>17 A. I will probably say, I believe,</p> <p>18 probably 10 to 15 minutes.</p> <p>19 Q. Did you go down other aisles</p> <p>20 before you went down the water aisle, or did</p> <p>21 you go straight to the water aisle when you</p> <p>22 got there?</p> <p>23 A. No, ma'am.</p>	<p>1 A. I don't think I was down too far.</p> <p>2 Q. Like, had you made it halfway or</p> <p>3 not even halfway? Any idea?</p> <p>4 A. No, it wasn't halfway.</p> <p>5 Q. Did you enter the water aisle</p> <p>6 from the front of the store or the back of</p> <p>7 the store?</p> <p>8 A. It was the back of the store, I</p> <p>9 think -- I believe.</p> <p>10 Q. Was anything blocking your view</p> <p>11 of the water aisle before you walked down</p> <p>12 it?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Was there anything blocking your</p> <p>15 view of the floor on the water aisle before</p> <p>16 you walked down it?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Were there any displays or</p> <p>19 anything out in the middle of the aisle of</p> <p>20 the water aisle that day?</p> <p>21 A. No, ma'am.</p> <p>22 Q. Okay. Were you sick that day?</p> <p>23 A. No, ma'am.</p>

21 (Pages 81 to 84)

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<p>1 Q. And you had your contacts on;</p> <p>2 right?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. Did you see anything on</p> <p>5 the floor of the water aisle before you</p> <p>6 walked down it that day?</p> <p>7 A. I mean, the floor was -- you know</p> <p>8 how you see, like, scuff marks? The floor</p> <p>9 was, like, real scuffed up there so -- you</p> <p>10 know, besides the dirty scuff marks, I</p> <p>11 didn't -- I didn't see anything.</p> <p>12 Q. Okay. Had you been in the Helena</p> <p>13 Wal-Mart store before October 15, 2020?</p> <p>14 A. Have I been there before?</p> <p>15 Q. Yes.</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. How often did you go there</p> <p>18 before October 15th?</p> <p>19 A. Here and there.</p> <p>20 Q. Would you say you were familiar</p> <p>21 with it before that date? Like, if you went</p> <p>22 in there, you knew where things were that</p> <p>23 you were shopping for?</p>	<p>1 Q. Anything that you thought --</p> <p>2 anything you saw that you thought was a</p> <p>3 safety hazard while you were there shopping</p> <p>4 before October 15, 2020?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Had you ever had any problems</p> <p>7 shopping at that store before October 15,</p> <p>8 2020?</p> <p>9 A. No, ma'am.</p> <p>10 Q. All right. And on October 15,</p> <p>11 2020, did you and Kevin enter the water</p> <p>12 aisle at the same time?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Were y'all walking side by side</p> <p>15 or one in front of the other? Do you</p> <p>16 remember?</p> <p>17 A. Something like that. Something</p> <p>18 like that, yes, ma'am. He was on the aisle.</p> <p>19 Q. He was on the aisle. Okay. And</p> <p>20 y'all entered it at the same time?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. And you make it, what, about a</p> <p>23 fourth of the way down the aisle?</p>
Page 86	Page 88
<p>1 A. No, ma'am, not like every --</p> <p>2 because sometimes I would go to the Pelham</p> <p>3 Wal-Mart.</p> <p>4 Q. Okay. But you had been in there</p> <p>5 on at least one other occasion before</p> <p>6 October 15, 2020?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Had it been more than ten</p> <p>9 occasions?</p> <p>10 A. I can't recall.</p> <p>11 Q. On any of the occasions on which</p> <p>12 you went to Wal-Mart before the incident,</p> <p>13 had you ever seen anything that concerned</p> <p>14 you while you were shopping there?</p> <p>15 A. Have I -- have I -- can you</p> <p>16 repeat that?</p> <p>17 Q. Sure.</p> <p>18 A. I'm sorry.</p> <p>19 Q. The trips that you made to the</p> <p>20 Helena Wal-Mart before October 15, 2020, was</p> <p>21 there ever anything you observed that</p> <p>22 concerned you?</p> <p>23 A. No, ma'am.</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. And what were you looking for on</p> <p>3 that aisle?</p> <p>4 A. I was shopping for some water,</p> <p>5 getting some water.</p> <p>6 Q. Was there a certain brand you</p> <p>7 were looking for?</p> <p>8 A. I don't -- I like certain brands</p> <p>9 of water. I will say that.</p> <p>10 Q. What type of brands do you like?</p> <p>11 A. I like alkaline water. I like</p> <p>12 Avadian water [sic]. I like Smartwater.</p> <p>13 Q. And I believe I saw somewhere</p> <p>14 that you were maybe shopping for Smartwater.</p> <p>15 Would that surprise you if you</p> <p>16 had told somebody that's what you were</p> <p>17 shopping for?</p> <p>18 A. Ma'am?</p> <p>19 Q. If you had told somebody that day</p> <p>20 that you were shopping for Smartwater when</p> <p>21 you fell, would that surprise you?</p> <p>22 A. I was shopping -- I was going in</p> <p>23 just for a few items for dinner.</p>

22 (Pages 85 to 88)

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<p>1 Q. Right. But you went down the</p> <p>2 water aisle to get water; is that correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. And were you looking for a</p> <p>5 case of water or a single bottle of water?</p> <p>6 A. No, I wouldn't have picked up a</p> <p>7 case. I think it was probably, like, a jug</p> <p>8 of water or, you know -- not a case, though.</p> <p>9 Uh-uh (negative).</p> <p>10 Q. And sitting here today, do you</p> <p>11 remember what kind you were shopping for on</p> <p>12 October 15th -- what brand you were shopping</p> <p>13 for on October 15th?</p> <p>14 A. No, ma'am.</p> <p>15 Q. All right. And had you picked up</p> <p>16 water off the shelf before you fell?</p> <p>17 A. I was going to reach for the</p> <p>18 water, and I fell.</p> <p>19 Q. You fell in the process of</p> <p>20 reaching for water?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. And where was the water</p> <p>23 located that you were reaching for when you</p>	<p>1 Q. Sitting directly on the shelf?</p> <p>2 A. I believe, yes, ma'am. I believe</p> <p>3 so.</p> <p>4 Q. Was it at the edge of the shelf</p> <p>5 or further back?</p> <p>6 A. No. I just was going to reach</p> <p>7 for some water and just fell.</p> <p>8 Q. Did you ever reach the water</p> <p>9 before you fell?</p> <p>10 A. I'm not sure.</p> <p>11 Q. Okay.</p> <p>12 A. I'm not sure.</p> <p>13 Q. Did you have anything in your</p> <p>14 hands when you fell?</p> <p>15 A. I don't think so.</p> <p>16 Q. All right. And what caused you</p> <p>17 to fall?</p> <p>18 A. I think it was dirty water on the</p> <p>19 floor.</p> <p>20 Q. What makes you think that?</p> <p>21 A. Because once I was on the floor,</p> <p>22 I seen it was water right there. So you</p> <p>23 know how I said "scuff marks"? It was,</p>
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<p>1 fell?</p> <p>2 A. You are talking about my jug of</p> <p>3 water or the water --</p> <p>4 Q. Right. Like, where -- I assume</p> <p>5 there are multiple shelves on the aisle; is</p> <p>6 that right?</p> <p>7 A. Uh-uh (negative).</p> <p>8 Q. Is that a yes?</p> <p>9 A. Yes, ma'am. I'm sorry.</p> <p>10 Q. Okay. Do you remember which</p> <p>11 shelf the water was located on, the one that</p> <p>12 you were reaching for when you fell?</p> <p>13 A. The top shelf.</p> <p>14 Q. Okay. Was the water bottle -- is</p> <p>15 it fair to say it was a water bottle that</p> <p>16 you were reaching for? Is that accurate?</p> <p>17 Or water jug?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. Either one, whether you</p> <p>20 were reaching for a water bottle or a water</p> <p>21 jug, was that item sitting directly on the</p> <p>22 shelf, or was it in a box or on a pallet?</p> <p>23 A. It was on the shelf.</p>	<p>1 like, dirty water, scuff marks.</p> <p>2 Q. Had you seen any dirty water on</p> <p>3 the floor of the water aisle before you</p> <p>4 fell?</p> <p>5 A. You said did I see any dirty</p> <p>6 water?</p> <p>7 Q. Or any water or any liquid</p> <p>8 substance on the floor of the water aisle</p> <p>9 before you fell.</p> <p>10 A. No, ma'am.</p> <p>11 Q. All right. Tell me what motion</p> <p>12 your body -- what movements your body made</p> <p>13 when it fell, like, how you landed and -- if</p> <p>14 you can, describe for me how you fell.</p> <p>15 A. I just know I reached for that</p> <p>16 water, and I was on the floor. I don't</p> <p>17 remember how I fell. I just know I was on</p> <p>18 the floor, because it was just shocking.</p> <p>19 Q. Did one or both of your feet</p> <p>20 slip? Or did your feet slip?</p> <p>21 A. I slipped. I slipped and fell.</p> <p>22 Q. Did you feel your feet slip</p> <p>23 before you fell?</p>

23 (Pages 89 to 92)

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<p>1 A. It hit -- everything hit me so 2 fast. I mean, I just went to the floor. 3 Q. Okay. 4 A. Slipped and fell. 5 Q. And did you feel your feet slip 6 before you fell? 7 MS. WASHINGTON: Objection. 8 Asked and answered. But you can answer. 9 You can answer. I just do that for the 10 record. 11 Q. (By Ms. Gordon) You can answer. 12 A. Like, I slipped and fell. 13 Q. Okay. And that's what I am 14 asking. Did you feel something slippery 15 under your feet? 16 MS. WASHINGTON: Objection. 17 Answer. 18 A. Yes. 19 Q. (By Ms. Gordon) Okay. And did 20 you feel your feet go out from under you 21 before you fell? 22 A. Yes, ma'am. 23 Q. Was it one or both of your feet</p>	<p>1 A. My hip was hurting, so I'm not 2 sure how I twisted or fell. But it just all 3 happened so fast. 4 Q. Okay. So one minute you are 5 reaching for the water, the next you feel 6 your feet go out from under you, and then 7 you are on your bottom; is that accurate? 8 A. Yes, ma'am. 9 Q. Are there any other details you 10 can tell me about the fall itself or what 11 caused you to fall? 12 A. Any other details, like -- 13 Q. About how the fall happened or 14 any other details about the incident at 15 issue in this lawsuit. 16 A. No, ma'am. 17 Q. Okay. And you mentioned earlier 18 that, after you fell, you noticed some water 19 on the floor. Did I hear you right about 20 that? 21 A. Yes, ma'am. 22 Q. Okay. Where did you notice the 23 water? If you want to tell me in relation</p>
Page 94	Page 96
<p>1 that you felt something slippery under? 2 A. I'm not sure. 3 Q. And do you know if one or both of 4 your feet went out from under you? 5 A. Yes, ma'am. Both of them, 6 because I fell to the floor. 7 Q. Okay. Did any part of your body 8 hit anything on the way to the floor? 9 A. No, ma'am. 10 Q. And on what part of your body did 11 you land? 12 A. Like, I'm not sure how I landed. 13 I know what was hurting. I'm not sure how I 14 landed. I landed on my bottom probably. 15 I'm not sure. 16 Q. Was it your bottom that hit the 17 floor first? 18 A. I'm guessing, yes, ma'am. 19 Q. Was it a certain side of your 20 bottom or straight across? I'm just trying 21 to understand the mechanism of the fall 22 since I wasn't there and we don't have a 23 video of it.</p>	<p>1 to your body or in relation to the shelves, 2 either way. 3 A. I noticed the water on the floor 4 once I was down there on the floor. 5 Q. Okay. Was it next to your body 6 or next to the shelves? Where was it on the 7 aisle? 8 A. Next to the pallet. It was a 9 pallet down there. 10 Q. Was the pallet under the shelving 11 unit? 12 A. Yes, ma'am. 13 Q. And did the pallet have some 14 bottled water on it? 15 A. Yes, ma'am. 16 Q. And the water was next to the 17 pallet that you saw on the floor? This gets 18 confusing since it was on the water aisle. 19 The water that you saw on the 20 floor, was it by the pallet holding the 21 bottled water? 22 A. Yes, ma'am. I would -- I would 23 think so because the water was stacked up</p>

24 (Pages 93 to 96)

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<p style="text-align: right;">Page 97</p> <p>1 on, like, a raggedy looking pallet thingy.</p> <p>2 Q. Okay.</p> <p>3 A. You know how they had cases of</p> <p>4 water on there? Like that.</p> <p>5 Q. Okay. And you saw some water on</p> <p>6 the floor next to that?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. About what size was the spot of</p> <p>9 water that you saw on the floor next to the</p> <p>10 pallet?</p> <p>11 A. Well, I noticed it was, like, a</p> <p>12 lot of water when I was down there but -- go</p> <p>13 ahead. I'm sorry.</p> <p>14 Q. No. Just was there more than one</p> <p>15 spot of water that you noticed on the floor</p> <p>16 after you fell?</p> <p>17 A. Down on the floor?</p> <p>18 Q. Yes.</p> <p>19 A. It was just around that area.</p> <p>20 That area was dirty. You know how you see</p> <p>21 scuff marks on the floor? So that's what</p> <p>22 you would think it is, like, scuff marks.</p> <p>23 But, like, down there, it's,</p>	<p style="text-align: right;">Page 99</p> <p>1 not sure.</p> <p>2 Q. Okay. You would describe it as</p> <p>3 drips on the floor?</p> <p>4 A. Yes, ma'am. Just water.</p> <p>5 Q. Okay. And they were all in about</p> <p>6 the same area, next to the pallet; is that</p> <p>7 right?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Were the drips -- was there any</p> <p>10 color to the drips you saw on the floor?</p> <p>11 A. You said was there any color?</p> <p>12 Q. Yes, ma'am.</p> <p>13 A. Black.</p> <p>14 Q. Okay. Do you know what the</p> <p>15 substance was that was on the floor that you</p> <p>16 saw after you fell?</p> <p>17 A. I think it was pronounced as</p> <p>18 dirty water on the floor.</p> <p>19 Q. Okay. When you say "it was</p> <p>20 pronounced," did somebody tell you that's</p> <p>21 what it was?</p> <p>22 A. What do you mean?</p> <p>23 Q. What makes you think that it was</p>
<p style="text-align: right;">Page 98</p> <p>1 like, the scuff marks and the dirty water</p> <p>2 mixed, turned black. You know what I am</p> <p>3 saying? Like that. So you would think it's</p> <p>4 just scuff marks.</p> <p>5 But once I was down there, I was,</p> <p>6 like, Oh, this is water. Do you know what I</p> <p>7 am saying?</p> <p>8 Q. Okay. Was there more than one</p> <p>9 area of water that you saw on the floor</p> <p>10 after you fell?</p> <p>11 A. No, nothing besides the area that</p> <p>12 I was in.</p> <p>13 Q. It was all contained in one area;</p> <p>14 is that right?</p> <p>15 A. I believe so.</p> <p>16 Q. And about what size was that area</p> <p>17 that the water was contained in?</p> <p>18 A. Are you talking about, like, what</p> <p>19 size was the pallet?</p> <p>20 Q. I'm just trying to figure out how</p> <p>21 much water you saw on the ground. And I</p> <p>22 think you have said there were --</p> <p>23 A. Like, drips, I'm guessing. I'm</p>	<p style="text-align: right;">Page 100</p> <p>1 dirty water on the floor?</p> <p>2 A. Because the scuff marks and how</p> <p>3 they had the aisles kept and stuff like</p> <p>4 that, how they keep up the place.</p> <p>5 Q. What do you mean, "how they keep</p> <p>6 up the place"?</p> <p>7 A. Well, once I heard you-all didn't</p> <p>8 have a camera or anything at the -- on the</p> <p>9 aisle, I thought, you know, it was one. So</p> <p>10 I went to Wal-Mart to see if it was a camera</p> <p>11 on that aisle. And I just noticed how they</p> <p>12 kept up the store and stuff during that</p> <p>13 visit.</p> <p>14 Q. Okay. What type of things are</p> <p>15 you talking about that you noticed?</p> <p>16 A. Well, I noticed scuff marks</p> <p>17 still. And I noticed some bread that was</p> <p>18 molded they had out on the shelf. And I</p> <p>19 noticed the dirty floor keeping up, you</p> <p>20 know, with the -- it wasn't -- like, it's</p> <p>21 not well taken care of in there.</p> <p>22 And I did notice a wet spill,</p> <p>23 too, when I went there as well.</p>

25 (Pages 97 to 100)

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<p>1 Q. Where was that?</p> <p>2 A. Where was it? On that section,</p> <p>3 on that side -- it wasn't on the side of the</p> <p>4 water, so it was towards the left side of</p> <p>5 the store where I seen that.</p> <p>6 They had a little orange cone up,</p> <p>7 but it was a spill on that -- up under that.</p> <p>8 Q. And when did you make that trip</p> <p>9 back to the Wal-Mart to look around?</p> <p>10 A. I went there last month.</p> <p>11 Q. Last month. Okay. I want to ask</p> <p>12 you some more about October 15, 2020.</p> <p>13 Sitting here today, is there any way for you</p> <p>14 to be certain that that was dirty water that</p> <p>15 you saw on the floor after you fell?</p> <p>16 A. You said am I for certain?</p> <p>17 Q. Yes.</p> <p>18 A. Yes, ma'am. I think I am for</p> <p>19 certain it was dirty water.</p> <p>20 Q. Okay. Do you know where it came</p> <p>21 from?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Do you have any information about</p>	<p>1 A. I don't think they knew. I don't</p> <p>2 know.</p> <p>3 Q. Did you take any photographs</p> <p>4 after you fell or before you fell while you</p> <p>5 were shopping that day?</p> <p>6 A. No, ma'am, I didn't take no</p> <p>7 photos.</p> <p>8 Q. Did you take any videos after you</p> <p>9 fell or while you were shopping that day?</p> <p>10 A. Kevin took the photos.</p> <p>11 Q. Okay. And has Kevin given a copy</p> <p>12 of any photos he took?</p> <p>13 A. If I do have them, I will have to</p> <p>14 look for them or something or just ask him</p> <p>15 about it.</p> <p>16 Q. How many did he take, if you</p> <p>17 know?</p> <p>18 A. It was a couple.</p> <p>19 Q. Okay. And you have provided one</p> <p>20 photograph as part of your document</p> <p>21 production that I will mark -- if I can find</p> <p>22 it -- I will mark as Defendant's Exhibit 4.</p> <p>23 Have you seen this photograph</p>
Page 102	Page 104
<p>1 how it got there?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Any idea how long the water had</p> <p>4 been there before you fell?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Has anyone told you that they</p> <p>7 know how long the water had been there</p> <p>8 before you fell?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Has anyone told you that they</p> <p>11 know where the water came from that you saw</p> <p>12 on the floor?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Do you have any evidence or</p> <p>15 reason to believe that Wal-Mart knew there</p> <p>16 was water on the floor of the water aisle</p> <p>17 before you fell?</p> <p>18 A. I can't -- I don't understand</p> <p>19 that. I'm sorry.</p> <p>20 Q. Okay. Do you have any reason to</p> <p>21 believe that any Wal-Mart employees knew</p> <p>22 there was water on the floor of the water</p> <p>23 aisle before you fell?</p>	<p>1 before?</p> <p>2 A. Yes, ma'am.</p> <p>3 (Whereupon, Defendant's Exhibit</p> <p>4 No. 4 was marked and is attached</p> <p>5 to the original transcript.)</p> <p>6 Q. (By Ms. Gordon) Is that one that</p> <p>7 Kevin took, or do you know who took it?</p> <p>8 A. I don't know who took it.</p> <p>9 Q. Or how you got that picture?</p> <p>10 A. It was either from Kevin or the</p> <p>11 lady that was sitting with me at the store.</p> <p>12 Q. Okay. So let's back up. After</p> <p>13 you fall, you see the water in one area that</p> <p>14 we've talked about; right?</p> <p>15 A. Uh-huh (affirmative).</p> <p>16 Q. Is that a yes?</p> <p>17 A. Yes, ma'am. I'm sorry.</p> <p>18 Q. Okay. Did anybody see you fall?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. Who saw you fall?</p> <p>21 A. Kevin.</p> <p>22 Q. Has he ever told you what he</p> <p>23 thinks caused you to fall?</p>

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<p>1 A. The water caused me to fall. The</p> <p>2 dirty water.</p> <p>3 Q. Did he tell you that?</p> <p>4 A. If he took the pictures -- yes,</p> <p>5 ma'am. That's what we believed, once we</p> <p>6 took the pictures.</p> <p>7 Q. And does the photograph that I</p> <p>8 have marked as Defendant's Exhibit 4 depict</p> <p>9 the floor as you saw it after you fell? Did</p> <p>10 it look like that after you fell?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Okay. Is that showing the area</p> <p>13 of water that you told me about?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Was there water in any other area</p> <p>16 other than the area that is shown in</p> <p>17 Exhibit 4?</p> <p>18 A. No, ma'am.</p> <p>19 Q. It looks like a part of maybe a</p> <p>20 hand is -- can you recognize whether that's</p> <p>21 yours or not?</p> <p>22 A. That's my hand.</p> <p>23 Q. Okay. And I assume that's part</p>	<p>1 Q. No. You are doing great. I know</p> <p>2 it's going on, but we are getting through</p> <p>3 it, I promise.</p> <p>4 Okay. So after you fell -- well,</p> <p>5 did anyone else witness it besides Kevin,</p> <p>6 your fall?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. Who else?</p> <p>9 A. It was a lady shopping in the</p> <p>10 store. I believe her name was Ms. Kellie.</p> <p>11 Q. All right. And she told you that</p> <p>12 she saw your fall?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Did she tell you that she</p> <p>15 observed anything else happen other than</p> <p>16 what you have told me here today?</p> <p>17 A. I just know she was right there</p> <p>18 with me. And she was just saying that it's</p> <p>19 dirty; the store is dirty.</p> <p>20 Q. Had you seen Ms. Kellie before</p> <p>21 your fall?</p> <p>22 A. No, ma'am.</p> <p>23 Q. You hadn't seen her on that aisle</p>
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<p>1 of your bottom on the floor?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. So was that photograph --</p> <p>4 well, let me back up. Looking at Exhibit 4,</p> <p>5 are you able to determine when that</p> <p>6 photograph was taken?</p> <p>7 A. No, ma'am.</p> <p>8 Q. How long did you remain on the</p> <p>9 floor after you fell?</p> <p>10 A. About 30 to 40 minutes.</p> <p>11 Q. Have you and Kevin discussed the</p> <p>12 fall since it happened?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Has he ever told you anything</p> <p>15 different than what you have told me today</p> <p>16 about how it happened?</p> <p>17 A. No, ma'am.</p> <p>18 Q. He didn't see something else</p> <p>19 happen that -- from what you have told me?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Okay.</p> <p>22 A. No, ma'am. I'm sorry. I'm</p> <p>23 talking so low. No, ma'am.</p>	<p>1 before your fall?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Okay. And where was Kevin in</p> <p>4 relation to you when you reached for that</p> <p>5 water?</p> <p>6 A. He was on the aisle.</p> <p>7 Q. Okay. Was he to your left?</p> <p>8 Right? Was he behind you?</p> <p>9 A. I think he would have been to my</p> <p>10 left.</p> <p>11 Q. And how close was he to you?</p> <p>12 A. Not close.</p> <p>13 Q. Okay. A few feet? Ten feet?</p> <p>14 A. I believe so, yes, ma'am.</p> <p>15 Q. About ten feet, or a few feet, if</p> <p>16 you know?</p> <p>17 A. Just a few feet.</p> <p>18 Q. Okay.</p> <p>19 A. Because, you know, you are just</p> <p>20 walking down the aisle.</p> <p>21 Q. Were there any customers or</p> <p>22 employees on the aisle besides Ms. Kellie</p> <p>23 and Kevin at the time of your fall?</p>

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<p>1 A. I don't recall anybody, no, 2 ma'am.</p> <p>3 Q. Did you see any Wal-Mart 4 employees walk down the water aisle before 5 your fall?</p> <p>6 A. No, ma'am.</p> <p>7 Q. And after your fall, I believe 8 you said Ms. Kellie came to your aid; is 9 that right?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. And what did she help you 12 do, if anything, after the fall, or how did 13 she aid you?</p> <p>14 A. She just tried to calm me down. 15 I think I was, like, hollering and 16 screaming. She comforted me.</p> <p>17 Q. And was Kevin also there with you 18 after your fall? Did he stay with you?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Where did he go?</p> <p>21 A. He was trying to find someone in 22 the store, I believe.</p> <p>23 Q. Did anyone else come to your aid</p>	<p>1 towards when the ambulance was getting 2 there.</p> <p>3 Q. Who called the ambulance?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Okay. Did you have a phone with 6 you that day?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. All right. And were you using it 9 at the time of the fall? Were you on your 10 phone?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Did you make the call to 911?</p> <p>13 A. No, ma'am.</p> <p>14 Q. So did you tell someone that you 15 needed an ambulance?</p> <p>16 A. I needed -- yes. Yes, ma'am.</p> <p>17 Q. Who did you tell that you needed 18 an ambulance?</p> <p>19 A. I'm guessing a worker that came 20 over at the time.</p> <p>21 Q. Okay. So how long after your 22 fall was it that a Wal-Mart employee came to 23 you on the water aisle?</p>
Page 110	Page 112
<p>1 while Kevin was gone besides Ms. Kellie?</p> <p>2 A. No, ma'am.</p> <p>3 Q. All right. When Kevin returned, 4 was anyone with him?</p> <p>5 A. I think he was saying he was 6 trying to find someone that worked there. 7 It took a minute to find someone. Like, I 8 was down there 40 minutes so -- well, about 9 40 minutes, so it was a long time before I 10 got some help.</p> <p>11 Q. Did you see any Wal-Mart 12 employees after your fall? Did you talk to 13 any Wal-Mart employees after your fall?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Did any Wal-Mart employees come 16 to your aid after the fall?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Okay.</p> <p>19 A. Are you saying, like, right then?</p> <p>20 Q. No. I'm talking about anytime 21 after the fall. Did any of them come to the 22 water aisle to speak with you?</p> <p>23 A. Yes, ma'am. Like -- like,</p>	<p>1 A. It was -- it was a little while. 2 Because Ms. Kellie was there with me.</p> <p>3 Q. She came first. And then was it 4 a Wal-Mart employee that came next?</p> <p>5 A. I believe, yes, ma'am.</p> <p>6 Q. Any idea who it was?</p> <p>7 A. Uh-uh (negative).</p> <p>8 Q. Is that a no?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Thank you. Can you describe the 11 individual that came to you first, the first 12 Wal-Mart employee that came to you?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Male or female?</p> <p>15 A. I can't remember.</p> <p>16 Q. Okay. That's fine.</p> <p>17 All right. Was that person rude 18 to you at all?</p> <p>19 A. No, ma'am. I just don't think 20 they moved as fast as they should in this 21 particular incident.</p> <p>22 Q. You believe it was the Wal-Mart 23 employee that asked you if you needed an</p>

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<p>1 ambulance?</p> <p>2 A. I believe so.</p> <p>3 Q. Okay. You think the ambulance</p> <p>4 was called after the Wal-Mart employee</p> <p>5 arrived?</p> <p>6 A. Yes.</p> <p>7 Q. Did you stay on the floor while</p> <p>8 you waited on the ambulance?</p> <p>9 A. Yes, ma'am?</p> <p>10 Q. And did the EMTs come to you on</p> <p>11 the water aisle?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And you were taken from the store</p> <p>14 by ambulance; is that right?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. Okay. While you were still at</p> <p>17 the store and on the floor, did anyone else</p> <p>18 come to you or speak with you besides</p> <p>19 Ms. Kellie and the first Wal-Mart employee?</p> <p>20 A. I'm not sure. It may have been</p> <p>21 another person. I'm not sure.</p> <p>22 Q. Did you speak with any Wal-Mart</p> <p>23 employee about completing an incident</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. Do you remember signing an</p> <p>3 iPad or anything that day? It may have been</p> <p>4 some kind of electronic pad versus a paper</p> <p>5 copy.</p> <p>6 A. I'm not -- I don't remember.</p> <p>7 Q. That's okay.</p> <p>8 Does the description of the</p> <p>9 incident sound accurate to you as it's</p> <p>10 listed on there?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. All right. And it lists -- I</p> <p>13 think there is a little section -- there is</p> <p>14 a section of witnesses, and it looks like it</p> <p>15 listed a Kellie. You think that's the</p> <p>16 Ms. Kellie you were talking about? Does</p> <p>17 Kellie Daughtry sound familiar to you?</p> <p>18 A. Is that on this paper?</p> <p>19 Q. Yes.</p> <p>20 A. Whereabouts?</p> <p>21 Q. It's tiny. Let me point it to</p> <p>22 you.</p> <p>23 A. Okay.</p>
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<p>1 report?</p> <p>2 A. No, ma'am.</p> <p>3 Q. What did you tell them about what</p> <p>4 had happened that day, or did they ask?</p> <p>5 A. If they did ask, I told them what</p> <p>6 happened. But I don't think I wrote a -- I</p> <p>7 didn't write anything down or anything. I</p> <p>8 don't remember doing that.</p> <p>9 Q. Did they have an iPad with them?</p> <p>10 Sometimes they complete them on</p> <p>11 an iPad, and you will sign it on that.</p> <p>12 A. I'm not sure.</p> <p>13 Q. I have this incident report that</p> <p>14 I will mark as Defendant's Exhibit 5. Have</p> <p>15 you ever seen this before?</p> <p>16 A. Yes, ma'am.</p> <p>17 (Whereupon, Defendant's Exhibit</p> <p>18 No. 5 was marked and is attached</p> <p>19 to the original transcript.)</p> <p>20 Q. (By Ms. Gordon) Is that your</p> <p>21 signature on the bottom of it?</p> <p>22 A. Uh-huh (affirmative).</p> <p>23 Q. Is that a yes?</p>	<p>1 Q. It's this tiny little -- okay.</p> <p>2 We've got Kevin Allen listed --</p> <p>3 A. Okay.</p> <p>4 Q. -- and then Kellie Daughtry?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Have you spoken with Ms. Kellie</p> <p>7 since the fall?</p> <p>8 A. No, ma'am.</p> <p>9 Q. And did she stay with you until</p> <p>10 the EMTs got there?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Do you remember anything y'all</p> <p>13 talked about while you were waiting on the</p> <p>14 EMTs?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Has anyone besides Ms. Kellie and</p> <p>17 Kevin told you that they witnessed your</p> <p>18 fall?</p> <p>19 A. No, ma'am.</p> <p>20 Q. When you fell, did you feel any</p> <p>21 pain immediately upon your fall?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Tell me what hurt when you fell.</p>

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<p>1 A. I'm sorry.</p> <p>2 Q. You are fine.</p> <p>3 A. My hip hurt, and my ankle was</p> <p>4 hurting.</p> <p>5 Q. Which hip?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Do you remember which ankle hurt?</p> <p>8 A. My right ankle.</p> <p>9 Q. And that was an immediate pain</p> <p>10 that you felt when you fell?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Do you know how your ankle was</p> <p>13 injured in the fall, like, if it hit</p> <p>14 something or if it twisted, if you know?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Do you know how your hip was</p> <p>17 injured in the fall?</p> <p>18 A. I had done fell.</p> <p>19 Q. I'm sorry?</p> <p>20 A. I fell. So, you know, I'm kind</p> <p>21 of big. I'm kind of a big girl. So I was,</p> <p>22 like -- I was, like, I probably -- I don't</p> <p>23 know. Probably the weight of me.</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. Was the lighting on the</p> <p>3 water aisle -- did it seem bright enough to</p> <p>4 you?</p> <p>5 A. I guess.</p> <p>6 Q. Like, you didn't have any trouble</p> <p>7 seeing what you were looking for on the</p> <p>8 water aisle, did you?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Okay. And were you able to reach</p> <p>11 the water on the top shelf just reaching</p> <p>12 your arm up and standing flatfooted?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Did you have to stand on anything</p> <p>15 to reach the water?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Did you ever stand on anything</p> <p>18 before you fell?</p> <p>19 A. No, ma'am.</p> <p>20 Q. Like, stand on a pallet or find a</p> <p>21 stool or anything like that?</p> <p>22 A. No, ma'am.</p> <p>23 Q. You were standing flatfooted on</p>
Page 118	Page 120
<p>1 Q. Any other pain immediately when</p> <p>2 you fell? Did you experience any other pain</p> <p>3 right when you fell?</p> <p>4 A. I think my back was hurting as</p> <p>5 well.</p> <p>6 Q. What part of your back?</p> <p>7 A. I'm not sure.</p> <p>8 Q. Did you speak with anyone else</p> <p>9 besides the Wal-Mart employee, Ms. Kellie,</p> <p>10 and Kevin before the EMTs arrived?</p> <p>11 A. I don't believe so.</p> <p>12 Q. And once the EMTs arrived, what</p> <p>13 were your complaints at that time?</p> <p>14 A. The same.</p> <p>15 Q. The same. Did you ask to be</p> <p>16 taken to the hospital?</p> <p>17 A. They were taking me.</p> <p>18 Q. And which hospital did they take</p> <p>19 you to?</p> <p>20 A. I think they took me to Shelby.</p> <p>21 Q. When you walked down the water</p> <p>22 aisle right before your fall, was that your</p> <p>23 first time on the water aisle that day?</p>	<p>1 the ground when you fell?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Were you having to get up on your</p> <p>4 tippy-toes to reach for it?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Okay. Did you have to be at the</p> <p>7 grandmother's house by a certain time that</p> <p>8 day to pick up your daughter?</p> <p>9 A. I'm not sure.</p> <p>10 Q. Were you in a rush or taking your</p> <p>11 time at Wal-Mart?</p> <p>12 A. No, I wasn't in a rush.</p> <p>13 Q. And we talked briefly about the</p> <p>14 shoes that you were wearing, and I think you</p> <p>15 couldn't remember what style or brand they</p> <p>16 were or anything; is that right?</p> <p>17 A. I know they weren't, like, no</p> <p>18 slides or anything.</p> <p>19 Q. Do you remember what kind of sole</p> <p>20 they had?</p> <p>21 A. What is that?</p> <p>22 Q. Like the bottom of the shoe, what</p> <p>23 it was like. Did it have a heel?</p>

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<p>1 A. No, ma'am. Uh-uh (negative).</p> <p>2 Q. Okay. Had you worn the shoes</p> <p>3 before that day?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. Okay. They weren't brand-new</p> <p>6 shoes that you were wearing for the first</p> <p>7 time?</p> <p>8 A. No, ma'am.</p> <p>9 Q. Do you still have the shoes that</p> <p>10 you were wearing that day when you fell?</p> <p>11 A. I don't even recall what kind it</p> <p>12 was.</p> <p>13 Q. Okay. That's fair.</p> <p>14 Before you fell, had you</p> <p>15 overheard anyone talking about water on the</p> <p>16 floor of the water aisle?</p> <p>17 A. No, ma'am.</p> <p>18 Q. Okay. Did you observe any</p> <p>19 warning signs or cones on the water aisle</p> <p>20 before you fell?</p> <p>21 A. There weren't any.</p> <p>22 Q. Okay. And afterwards, did you</p> <p>23 observe any cones or warning signs on the</p>	<p>1 No. 6 was marked and is attached</p> <p>2 to the original transcript.)</p> <p>3 Q. (By Ms. Gordon) And if you will,</p> <p>4 just flip through those. And I will ask you</p> <p>5 some questions about it after you have had a</p> <p>6 chance to look at them.</p> <p>7 A. Okay.</p> <p>8 Q. And feel free to leave them</p> <p>9 spread out. However you want to do it is</p> <p>10 fine. We will gather them up at the end.</p> <p>11 A. Okay.</p> <p>12 Q. Okay. Have you had a chance to</p> <p>13 look at those?</p> <p>14 A. Uh-huh (affirmative).</p> <p>15 Q. Is that a yes?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay.</p> <p>18 A. I'm sorry.</p> <p>19 Q. That's okay.</p> <p>20 Do the photographs I have marked</p> <p>21 as Defendant's Exhibit 6 show the area in</p> <p>22 which you fell at the Wal-Mart that day?</p> <p>23 A. Yes, ma'am.</p>
Page 122	Page 124
<p>1 water aisle?</p> <p>2 A. There weren't any.</p> <p>3 Q. Okay. Did you point out the</p> <p>4 water, to the Wal-Mart employee that you had</p> <p>5 seen on the floor?</p> <p>6 A. I believe so.</p> <p>7 Q. Okay. Did you observe any</p> <p>8 cleaning efforts taking place after you</p> <p>9 fell?</p> <p>10 A. You are saying did I see someone</p> <p>11 come over and start cleaning up?</p> <p>12 Q. Yes.</p> <p>13 A. No, I didn't see that.</p> <p>14 Q. Okay. And I'm going to show you</p> <p>15 what I will mark as Defendant's Exhibit 6,</p> <p>16 which is Bates-labeled Wal-Mart 11 through</p> <p>17 15.</p> <p>18 These are some photographs that</p> <p>19 we produced in this lawsuit. And I will</p> <p>20 represent to you that they were provided to</p> <p>21 us as a part of Wal-Mart's incident report.</p> <p>22 A. Okay.</p> <p>23 (Whereupon, Defendant's Exhibit</p>	<p>1 Q. Okay. Do they show the substance</p> <p>2 on which you claim you slipped that day?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. Looking at the photographs</p> <p>5 I have marked as Defendant's Exhibit 6, are</p> <p>6 you able to identify the substance on which</p> <p>7 you claim you slipped?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. Okay. I'm going to give you a</p> <p>10 blue Sharpie. And if you will, circle that</p> <p>11 substance.</p> <p>12 A. Like, circle all of it?</p> <p>13 Q. Oh, no. That's fine. I see what</p> <p>14 you have done. You have circled it in one</p> <p>15 picture. And, to me, it looks like those</p> <p>16 are all photographs of the same area, just</p> <p>17 different --</p> <p>18 A. Zooms.</p> <p>19 Q. Yes, different zooms.</p> <p>20 Is that what it looks like to</p> <p>21 you, too --</p> <p>22 A. Yes.</p> <p>23 Q. -- that it's just different</p>

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<p>1 zooms?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. Did you see water in any</p> <p>4 other area of the floor of the water aisle</p> <p>5 besides the area you have circled on</p> <p>6 Wal-Mart 14?</p> <p>7 A. You said do I see any other</p> <p>8 water?</p> <p>9 Q. When you were on the floor, did</p> <p>10 you see water on the floor in any other</p> <p>11 areas besides the area you have circled in</p> <p>12 Wal-Mart 14?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Okay. Do the photographs I have</p> <p>15 marked as Defendant's Exhibit 6 accurately</p> <p>16 show the way the floor looked to you on</p> <p>17 October 15, 2020?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. Have you ever seen any</p> <p>20 other photographs of the area where you fell</p> <p>21 taken on October 15, 2020, besides the ones</p> <p>22 that we have looked at today that I have</p> <p>23 marked as Defendant's Exhibit 6 and</p>	<p>1 Exhibit 4 or Defendant's Exhibit 6?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Okay. And I'm just remembering</p> <p>4 that I have two other photographs. I will</p> <p>5 mark these as Defendant's Exhibit 7.</p> <p>6 Have you ever seen these two</p> <p>7 photographs before?</p> <p>8 A. Yes, ma'am.</p> <p>9 (Whereupon, Defendant's Exhibit</p> <p>10 No. 7 was marked and is attached</p> <p>11 to the original transcript.)</p> <p>12 Q. (By Ms. Gordon) All right. Any</p> <p>13 idea who took those?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Do they show the substance on</p> <p>16 which you claim you slipped that day?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Will you circle that for me,</p> <p>19 please?</p> <p>20 A. Okay.</p> <p>21 Q. And does the photograph with the</p> <p>22 Exhibit 7 sticker on it, does this show the</p> <p>23 position you landed --</p>
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<p>1 Defendant's Exhibit 4?</p> <p>2 A. This is Defendant's 4?</p> <p>3 Q. Yes.</p> <p>4 A. This is -- this is 6?</p> <p>5 Q. Right. So they are photographs</p> <p>6 that I have marked as Defendant's Exhibit 6,</p> <p>7 and then I marked one earlier as Exhibit 4.</p> <p>8 Have you seen any other</p> <p>9 photographs that were taken that day? Just,</p> <p>10 like, before we got here today, have you</p> <p>11 ever seen any other photographs?</p> <p>12 A. This?</p> <p>13 Q. I'm just talking about are you</p> <p>14 aware of any other photographs of the area</p> <p>15 where you fell besides those that are laid</p> <p>16 out in front of you.</p> <p>17 A. No, ma'am --</p> <p>18 Q. Okay.</p> <p>19 A. -- than what Kevin took or</p> <p>20 something. Is that what you are saying?</p> <p>21 Q. Right. Did the photographs that</p> <p>22 Kevin took look any different than the</p> <p>23 photographs we've marked as Defendant's</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. -- or had you moved?</p> <p>3 A. Yes, ma'am, that shows the</p> <p>4 position.</p> <p>5 Q. Okay. So that's how you landed</p> <p>6 as shown in Exhibit 7?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And that's the red hair that you</p> <p>9 mentioned earlier?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. I like that color.</p> <p>12 A. Thank you.</p> <p>13 Q. It looks like you were wearing</p> <p>14 black, too, that day. Does that refresh</p> <p>15 your memory about what you were wearing?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. October 15, 2020, either</p> <p>18 before or after your fall, did you observe</p> <p>19 water or a liquid substance on the floor in</p> <p>20 any other areas besides those shown in the</p> <p>21 photographs we have marked as Defendant's</p> <p>22 Exhibits 4, 6, and 7?</p> <p>23 So that would be, looking at all</p>

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<p>1 of these photographs, do they show the only</p> <p>2 area of water that you observed that day?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. There wasn't some other</p> <p>5 area that wasn't photographed?</p> <p>6 A. No, ma'am.</p> <p>7 Q. Okay. And are you claiming that</p> <p>8 the liquid that you slipped on was in front</p> <p>9 of the pallet?</p> <p>10 It looks like the area you have</p> <p>11 circled in Defendant's Exhibit 7 is in front</p> <p>12 of the pallet. Am I right?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. Okay. So are you claiming that</p> <p>15 the water that you slipped on was in front</p> <p>16 of the pallet?</p> <p>17 I just want to make sure you are</p> <p>18 not claiming that there was some water</p> <p>19 hidden under the pallet, behind the pallet,</p> <p>20 or under anything else.</p> <p>21 A. I don't know if it was hidden</p> <p>22 under there or not.</p> <p>23 Q. Okay. The water that you have</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. Do you remember which exit you</p> <p>3 went out on the stretcher? I'm showing you</p> <p>4 Defendant's Exhibits 2 and 3 again to see if</p> <p>5 that helps you remember.</p> <p>6 A. I don't remember.</p> <p>7 Q. That's okay.</p> <p>8 All right. So did anyone ride in</p> <p>9 the ambulance with you to the hospital?</p> <p>10 A. No, ma'am.</p> <p>11 Q. And once you got to Shelby, what</p> <p>12 were your complaints then when you got to</p> <p>13 the ER?</p> <p>14 A. The same.</p> <p>15 Q. Did anyone meet you at Shelby?</p> <p>16 A. Kevin.</p> <p>17 Q. Had your pain changed at all in</p> <p>18 between the time you fell and when you got</p> <p>19 to Shelby?</p> <p>20 A. No, ma'am.</p> <p>21 Q. All right. What type of</p> <p>22 treatment were you given at Shelby, if you</p> <p>23 remember?</p>
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<p>1 talked about today was out in front of the</p> <p>2 pallet on the floor?</p> <p>3 A. Uh-huh (affirmative).</p> <p>4 Q. Is that right?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Okay. I just wanted to make sure</p> <p>7 I was clear about that.</p> <p>8 Was there any odor to the liquid</p> <p>9 that you saw on the floor that you remember?</p> <p>10 A. I'm not sure.</p> <p>11 Q. Okay. Were any portions of your</p> <p>12 clothes wet after you fell?</p> <p>13 A. I'm not sure.</p> <p>14 Q. Did a police officer also come to</p> <p>15 the store after the incident, or was it just</p> <p>16 EMTs?</p> <p>17 A. I don't remember seeing a police</p> <p>18 officer.</p> <p>19 Q. Did they bring the stretcher to</p> <p>20 you on the water aisle?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. And you were taken out on the</p> <p>23 stretcher?</p>	<p>1 A. I believe I left out in crutches.</p> <p>2 Q. Did they do some X-rays?</p> <p>3 A. I believe so.</p> <p>4 Q. Were you given any diagnoses at</p> <p>5 Shelby that day?</p> <p>6 A. I believe they did.</p> <p>7 Q. Do you remember what that was?</p> <p>8 A. No.</p> <p>9 Q. Okay. And you think you left on</p> <p>10 crutches?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Did you leave with any bandages</p> <p>13 or braces?</p> <p>14 A. I can't recall.</p> <p>15 Q. Were the crutches to help with</p> <p>16 your ankle pain?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. To keep you off your ankle?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And how did you leave the</p> <p>21 hospital that night? Did somebody pick you</p> <p>22 up?</p> <p>23 A. Kevin was there.</p>

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<p>1 Q. When you left Shelby, where did 2 you go? 3 A. I think I went home. 4 Q. And that would be back to 5 The Pearl at that time? 6 A. Well, I probably went to go get 7 Allyson or something, but I went home. 8 Q. Did anyone in the emergency room 9 recommend that you seek any additional 10 treatment for the injuries you were there 11 about that day? 12 A. Yes, ma'am. 13 Q. And what did they tell you to do? 14 A. I needed to follow up with an 15 orthopedic. I think there was something 16 wrong. 17 Q. Did they give you any 18 prescriptions for medication at the ER? 19 A. I think so, yes, ma'am. 20 Q. Was it like a pain medication, or 21 do you remember? 22 A. I don't remember. 23 Q. Did you get the prescriptions</p>	<p>1 somebody to see you? 2 A. Yes, ma'am. 3 Q. And who was that that you saw 4 next after the ER? 5 A. I went to -- you mean who was I 6 seen by? 7 Q. Right. 8 A. I was seen by Southlake, I think. 9 Q. Had you gotten the Blue Cross by 10 the time you went to Southlake? 11 A. Yes, ma'am. 12 Q. And any idea how long it was 13 after the fall that you went to Southlake 14 the first time? 15 A. No, ma'am. 16 Q. What were your complaints when 17 you went to Southlake the first time? 18 A. Ankle pain. And I think I was -- 19 it was just going downhill from there, 20 basically. 21 Q. Were you still experiencing pain 22 anywhere else besides your ankle when you 23 went to Southlake?</p>
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<p>1 filled? 2 A. Yes, ma'am. 3 Q. How long were you on prescription 4 medication following the fall? 5 A. I don't remember. I'm sorry. 6 Q. That's okay. Where did you get 7 the prescriptions filled? 8 A. I'm not sure. 9 Q. All right. When did you next 10 seek treatment for any of the injuries you 11 relate to your fall? 12 A. Well, I was trying to get 13 treatment, but I was turned down by a couple 14 of people because I didn't have insurance. 15 Q. Who turned you down? 16 A. Orthopedics. 17 Q. Do you remember which orthopedic 18 doctor or where their office was located? 19 A. I don't remember. I don't 20 remember which ones it was, but I know it 21 was a few, because they wouldn't see me 22 because I didn't have insurance. 23 Q. Okay. So did you eventually get</p>	<p>1 A. My hip pain wore off, but it was 2 just mainly my ankle. 3 Q. About how long did the hip pain 4 last after the fall? 5 A. I'm not sure. 6 Q. Is the only treatment that you 7 received for the hip pain that treatment in 8 the ER the day of the fall? 9 A. Yes, ma'am, I think so. 10 Q. Okay. What about your back; how 11 long did that pain last? 12 A. I'm not sure. 13 Q. Go ahead. 14 A. I was trying to -- I just 15 couldn't see anyone. No one would see me, 16 because I didn't have insurance. 17 Q. Did you receive any other 18 treatment for your back besides that initial 19 ER visit at Shelby? 20 A. No, ma'am. 21 Q. So by the time you went to 22 Southlake, your complaint was the ankle 23 pain; is that right?</p>

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<p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. And what did -- what kind</p> <p>3 of treatment were you given by Southlake, or</p> <p>4 diagnosis?</p> <p>5 A. I think he said it was broken or</p> <p>6 something.</p> <p>7 Q. Okay. Did they recommend any</p> <p>8 additional treatment?</p> <p>9 A. He recommended surgery.</p> <p>10 Q. Did you schedule the surgery?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And did you have the surgery</p> <p>13 performed?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. When did you have the surgery</p> <p>16 performed?</p> <p>17 I might be able to help you out.</p> <p>18 Let's see.</p> <p>19 Was it July 30, 2021? Does that</p> <p>20 sound right?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Okay. Was that an outpatient</p> <p>23 procedure, meaning you got to go home the</p>	<p>1 Q. Did you receive any other</p> <p>2 treatment following your surgery for your</p> <p>3 ankle?</p> <p>4 A. No, ma'am. I was supposed to do,</p> <p>5 I think, physical therapy or something. I'm</p> <p>6 not sure.</p> <p>7 Q. Okay. Did you attend physical</p> <p>8 therapy?</p> <p>9 A. No, ma'am.</p> <p>10 Q. And why didn't you attend</p> <p>11 physical therapy?</p> <p>12 A. I think I wasn't able to keep up</p> <p>13 with the insurance by that time.</p> <p>14 Q. Okay. Have you attended physical</p> <p>15 therapy since the fall at Wal-Mart?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Have you been back to Southlake</p> <p>18 since your surgery was performed?</p> <p>19 A. I tried to schedule it, I think.</p> <p>20 Yeah, I think so.</p> <p>21 Q. You did try to schedule another</p> <p>22 appointment?</p> <p>23 A. Uh-huh (affirmative).</p>
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<p>1 same day it was performed?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. You weren't hospitalized</p> <p>4 overnight?</p> <p>5 A. No, ma'am.</p> <p>6 Q. Between your first visit to</p> <p>7 Southlake and the day you had the surgery</p> <p>8 performed on your ankle, was there any other</p> <p>9 treatment for any injuries you relate to the</p> <p>10 fall?</p> <p>11 A. No, ma'am.</p> <p>12 Q. I assume there was an incision</p> <p>13 from your surgery. Was there?</p> <p>14 A. Ma'am?</p> <p>15 Q. Like, did they have to cut you</p> <p>16 open to do your surgery?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. And did the incision heal</p> <p>19 following the surgery?</p> <p>20 A. Did it heal?</p> <p>21 Q. Yes. Did you have any problems</p> <p>22 with infection or with the incision healing?</p> <p>23 A. No, ma'am.</p>	<p>1 Q. After your surgery?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. Do you have an appointment</p> <p>4 scheduled?</p> <p>5 A. Not right now.</p> <p>6 Q. What happened with trying to</p> <p>7 schedule one?</p> <p>8 A. I think it was an issue with</p> <p>9 insurance.</p> <p>10 Q. I see. Why do you want to</p> <p>11 schedule another appointment with Southlake?</p> <p>12 A. Because I may have some issues --</p> <p>13 well, he told me I -- I just believe it will</p> <p>14 never be the same, my ankle. So I was going</p> <p>15 to schedule an appointment to see what was</p> <p>16 going on, because I be having some pains and</p> <p>17 stuff now. But with me working through</p> <p>18 temps, I don't have insurance through the</p> <p>19 job or anything. So I've got to figure my</p> <p>20 way out with that one.</p> <p>21 Q. Have you seen any other</p> <p>22 orthopedic doctors for injuries you relate</p> <p>23 to the fall at Wal-Mart besides Southlake?</p>

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<p style="text-align: right;">Page 141</p> <p>1 A. I tried, but they didn't see me.</p> <p>2 Q. Okay. And that was before --</p> <p>3 A. They wouldn't see me.</p> <p>4 Q. Was that before you went to</p> <p>5 Southlake?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Did the Southlake doctors</p> <p>8 recommend any further treatment for your</p> <p>9 ankle after your surgery?</p> <p>10 A. I think it was supposed to be</p> <p>11 physical therapy.</p> <p>12 Q. You mentioned that. Okay.</p> <p>13 Have you seen any other doctors</p> <p>14 since your surgery for injuries that you</p> <p>15 relate to your fall?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Do you have any appointments</p> <p>18 scheduled with any doctors for treatment of</p> <p>19 injuries you relate to the fall?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Do you have plans to seek any</p> <p>22 additional treatment for injuries you relate</p> <p>23 to the fall?</p>	<p style="text-align: right;">Page 143</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Had the pain lessened or worsened</p> <p>3 between the fall and when you had your</p> <p>4 surgery?</p> <p>5 A. It worsened.</p> <p>6 Q. Can you describe it for me, what</p> <p>7 type of pain you were experiencing right</p> <p>8 before the surgery?</p> <p>9 A. Like, every time I took a step on</p> <p>10 that -- on that -- on this -- with my right</p> <p>11 leg, it would hurt every time I took a step.</p> <p>12 Q. And after the surgery, did your</p> <p>13 ankle pain change at all?</p> <p>14 A. Yes, ma'am. It eased.</p> <p>15 Q. Okay. Are you still experiencing</p> <p>16 ankle pain today?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. How often do you experience ankle</p> <p>19 pain?</p> <p>20 A. When I first wake up in the</p> <p>21 morning.</p> <p>22 Q. How long does it last after you</p> <p>23 wake up?</p>
<p style="text-align: right;">Page 142</p> <p>1 A. Yes, ma'am.</p> <p>2 Q. Okay. And that's additional</p> <p>3 treatment for your ankle? Is that what you</p> <p>4 were saying earlier?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. And you are just waiting until</p> <p>7 you can get some insurance, and then you are</p> <p>8 going to do that?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Did the Southlake doctors or the</p> <p>11 doctor who performed your ankle surgery give</p> <p>12 you any sort of prognosis, like what you</p> <p>13 could expect with your ankle in the future?</p> <p>14 A. I think it will never be the</p> <p>15 same.</p> <p>16 Q. Did they tell you why they</p> <p>17 thought that?</p> <p>18 A. I'm not sure. He used a lot of</p> <p>19 medical terminology.</p> <p>20 Q. I understand.</p> <p>21 Were you having pain in your</p> <p>22 ankle up until the time the surgery was</p> <p>23 performed?</p>	<p style="text-align: right;">Page 144</p> <p>1 A. Once I get to going and getting</p> <p>2 ready and stuff.</p> <p>3 Q. And does that happen every</p> <p>4 morning when you wake up?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Has that been the case ever since</p> <p>7 the surgery?</p> <p>8 A. Well, it eased since -- it had</p> <p>9 eased once -- when I had the surgery. But,</p> <p>10 like, now I noticed, you know, when I get up</p> <p>11 in the morning, I will feel that pain.</p> <p>12 Q. So following the surgery, was</p> <p>13 there a period of time where you didn't have</p> <p>14 any ankle pain?</p> <p>15 A. Yes, ma'am. It eased a whole</p> <p>16 lot.</p> <p>17 Q. And about when did it return, how</p> <p>18 long ago?</p> <p>19 A. I will say just a few months or</p> <p>20 so.</p> <p>21 Q. Has anything changed in your</p> <p>22 lifestyle? Like, have you been more active</p> <p>23 in the past few months or suffered any</p>

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<p>1 injuries in the past few months that would</p> <p>2 have caused the pain to return?</p> <p>3 A. Uh-uh (negative). I haven't been</p> <p>4 more active.</p> <p>5 Q. Okay. Did it just seem to kind</p> <p>6 of come out of nowhere?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And besides trying to schedule an</p> <p>9 appointment with Southlake, have you sought</p> <p>10 any other treatment since that pain</p> <p>11 returned?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Was there a point where you were</p> <p>14 given a boot to wear on your ankle? Do you</p> <p>15 remember that?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Who gave you that?</p> <p>18 A. I'm not sure.</p> <p>19 Q. Okay. Was that before your</p> <p>20 surgery or after?</p> <p>21 A. I know I had a boot after</p> <p>22 surgery.</p> <p>23 Q. Were you given any instructions</p>	<p>1 A. No, ma'am.</p> <p>2 Q. Had you ever been to physical</p> <p>3 therapy before the fall at Wal-Mart for any</p> <p>4 reason?</p> <p>5 A. No, ma'am.</p> <p>6 Q. The bills from the treatment that</p> <p>7 you relate to the fall, have those been</p> <p>8 paid? Like, your bill from Grandview the</p> <p>9 day you went to the ER, has that bill been</p> <p>10 paid, or is it still out there?</p> <p>11 A. No, ma'am.</p> <p>12 Q. It has not been paid?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Okay. What about the ambulance</p> <p>15 bill; has it been paid?</p> <p>16 A. No, ma'am.</p> <p>17 Q. And your bills from -- your</p> <p>18 treatment at Southlake, have those been</p> <p>19 paid?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Did your insurance make any</p> <p>22 payments towards the bills at Southlake or</p> <p>23 your surgery?</p>
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<p>1 on when or how often you should wear it?</p> <p>2 A. I was wearing it -- I was wearing</p> <p>3 it -- like, I was wearing it during the day.</p> <p>4 He told me, "You know you are supposed to</p> <p>5 stay in your boot." So I was wearing it,</p> <p>6 like, when I would have to wake up and get</p> <p>7 my daughter ready for school and stuff like</p> <p>8 that.</p> <p>9 Q. Okay. And were there times</p> <p>10 during the day where you would take it off?</p> <p>11 A. When I would go to bed.</p> <p>12 Q. And was there a point where they</p> <p>13 told you you could quit wearing it?</p> <p>14 A. I think so. I think he gave me a</p> <p>15 period of time.</p> <p>16 Q. Do you remember when that was --</p> <p>17 A. No, ma'am.</p> <p>18 Q. -- how long you were supposed to</p> <p>19 wear it?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Okay. Were you given any other</p> <p>22 sort of braces for injuries you relate to</p> <p>23 your fall at Wal-Mart?</p>	<p>1 A. I'm not sure.</p> <p>2 Q. Did you have -- did you have</p> <p>3 health insurance in place when you had your</p> <p>4 surgery?</p> <p>5 A. I think I did, yes, ma'am.</p> <p>6 Q. Okay. Are there any injuries</p> <p>7 that you relate to the fall which you</p> <p>8 believe will be permanent?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. What's that?</p> <p>11 A. I think my ankle will always give</p> <p>12 me problems.</p> <p>13 Q. Are there certain movements that</p> <p>14 cause the pain to return in your ankle or to</p> <p>15 flare up?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Or certain activities that cause</p> <p>18 it to hurt?</p> <p>19 A. I think it's just everyday life,</p> <p>20 you know, with movement.</p> <p>21 Q. Do you take any medication for</p> <p>22 ankle pain these days?</p> <p>23 A. No, ma'am.</p>

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<p>1 Q. Are there any activities that you</p> <p>2 could do before the fall at Wal-Mart that</p> <p>3 you are no longer able to do?</p> <p>4 A. I never -- I can't -- you know</p> <p>5 how you can close your toes all of the way,</p> <p>6 I be noticing I can't do that.</p> <p>7 Q. Like, curl them under?</p> <p>8 A. Like -- yeah, like -- like that</p> <p>9 (indicating).</p> <p>10 Q. Almost like you are making a fist</p> <p>11 with your toes?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. Okay. You can't do that anymore?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Anything else that you were able</p> <p>16 to do before the fall that you are not able</p> <p>17 to do now?</p> <p>18 A. I was able to, you know, still</p> <p>19 work in the cooking industry. And I love to</p> <p>20 cook.</p> <p>21 Q. Anything else like that?</p> <p>22 A. (Witness shakes head negatively.)</p> <p>23 Q. Okay. Have you ever applied for</p>	<p>1 A. No, ma'am.</p> <p>2 Q. We might have talked about that.</p> <p>3 Are you claiming that the fall at</p> <p>4 Wal-Mart has affected you mentally or</p> <p>5 emotionally?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Will you tell me about that,</p> <p>8 please?</p> <p>9 A. I like to cook. And I used to</p> <p>10 always cook with my grandmother. And my</p> <p>11 grandmother just died last month. So I</p> <p>12 would be in the kitchen cooking with her and</p> <p>13 stuff. So it was -- it was painful to stop</p> <p>14 doing what I like to do.</p> <p>15 It was depressing to, you know,</p> <p>16 be a young woman, and -- I was labeled "the</p> <p>17 star" of the kitchen.</p> <p>18 I think what was most painful was</p> <p>19 how me and my daughter were affected because</p> <p>20 we had to move from Homewood and move to the</p> <p>21 ghetto, basically. And we weren't used to</p> <p>22 that. And I wasn't used to have, you know,</p> <p>23 her asking me questions, saying, "Mom, when</p>
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<p>1 social security disability benefits?</p> <p>2 A. No, ma'am.</p> <p>3 Q. Do you have any plans to apply</p> <p>4 for them?</p> <p>5 A. No, ma'am, because I can't do</p> <p>6 that right now.</p> <p>7 Q. Have you ever talked to any of</p> <p>8 your doctors about giving you a disability</p> <p>9 rating?</p> <p>10 A. No, ma'am.</p> <p>11 Q. Are you currently experiencing</p> <p>12 any other pain other than the ankle pain you</p> <p>13 have told me about that you relate to your</p> <p>14 fall?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Had you consumed any drugs or</p> <p>17 alcohol in the 24 hours before your fall?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Following that car accident, was</p> <p>20 there a period of time where you had to use</p> <p>21 crutches after that?</p> <p>22 A. No, ma'am.</p> <p>23 Q. Or any kind of brace?</p>	<p>1 are we going to move," and stuff like that.</p> <p>2 But at that time, I had to try</p> <p>3 to, you know, get my bills paid and try to</p> <p>4 take care of her. And I couldn't stop</p> <p>5 working, so I had to keep on trying to find</p> <p>6 a job.</p> <p>7 And I was going through the temp</p> <p>8 services, you know, not a stable job. I</p> <p>9 lost my job that I loved. And I think the</p> <p>10 most tragic was I lost it around the</p> <p>11 holidays. So she knows me. It's, like,</p> <p>12 it's going to be -- you know, it was going</p> <p>13 to be surprising.</p> <p>14 But I think that year I don't</p> <p>15 think I was even able to get her anything.</p> <p>16 I think my mom -- my mom and my stepdad</p> <p>17 helped out. So that was big. I think the</p> <p>18 mental abuse was big a lot.</p> <p>19 Q. And why was it that y'all had to</p> <p>20 move?</p> <p>21 A. Because I wasn't able to pay my</p> <p>22 rent over at The Pearl at Homewood, because</p> <p>23 I was laid off.</p>

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1 Q. And do you remember what you were
2 paying at [REDACTED]?
3 A. Probably about -- I would say
4 about \$800 or so or \$1,000, one of the two.
5 Q. And you moved from T [REDACTED]
6 [REDACTED] -- no, to --
7 A. No, ma'am. To Ensley.
8 Q. To 31st Street?
9 A. Yes, ma'am.
10 Q. Okay. That was also an
11 apartment?
12 A. Yes, ma'am.
13 Q. And what were you paying there?
14 A. I think 600.
15 Q. And you lived there for about
16 three years?
17 A. About, yes, ma'am.
18 Q. Are you more comfortable at the
19 [REDACTED] address?
20 A. Yes, ma'am.
21 Q. Okay. What do you pay there for
22 rent?
23 A. I pay 1,200 a month.

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1 Q. And you mentioned not being able
2 to cook. What about the fall prevents you
3 from cooking now like you like to do?
4 A. Well, I liked -- that's all I
5 knew how to do was cook, you know, with
6 working at Outback and Pappadeaux. That's
7 all I knew how to do. So once I figured,
8 like, "Hey, Alex, you've got to try to find
9 a job with less mobility" -- like, the
10 hospitals and stuff, they turned me down. I
11 had to go through temp service because they
12 wouldn't hire me because that's all I had on
13 my application was, you know, Outback and
14 stuff, cooking and stuff. So I didn't have
15 no experience in it.
16 Q. And is it being on the feet that
17 is a problem for you now cooking in a
18 restaurant like you used to do?
19 A. Or standing, yes, ma'am.
20 Q. Okay. Have you tried to work in
21 a cooking position since your job at
22 Outback?
23 A. Uh-uh (negative). I had to -- I

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1 had to switch fields, basically.
2 Q. Have you discussed any of the
3 ways the fall has affected you mentally or
4 emotionally with any counselors,
5 psychiatrists, psychologists? Anyone like
6 that? Any medical providers?
7 A. Did I go to a psychiatrist?
8 Q. Yes.
9 A. Yes, ma'am, at one point.
10 Q. Okay. Who did you see?
11 A. I'm not sure. But I think I will
12 be able to see who it was. I can't think of
13 her name off of my head, but I --
14 Q. Do you remember where her office
15 was?
16 A. I want to say downtown or so.
17 Q. And what was your reason for
18 going to see her the first time?
19 A. To talk. And I was just going
20 through a lot mentally.
21 Q. Was it solely because of the fall
22 that you went to see her?
23 A. Yes, ma'am.

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1 Q. Were there any other things going
2 on in your life that were affecting you
3 emotionally at that time you went to see the
4 psychiatrist?
5 A. No, ma'am. It was a bad -- a bad
6 point in my life.
7 Q. Do you remember when that was
8 when you went to see him or her the first
9 time?
10 A. I'm not sure.
11 Q. Was it before or after your
12 surgery?
13 A. I'm not sure.
14 Q. Did you see that individual on
15 more than one occasion?
16 A. Uh-huh (affirmative). I think I
17 seen her, like, twice or so.
18 Q. And did you discuss the fall with
19 her when you went to see her?
20 A. I'm not sure. I don't know.
21 Q. Have you ever been prescribed any
22 sort of antidepressant or antianxiety
23 medication since the fall?

39 (Pages 153 to 156)

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<p>1 A. No, ma'am.</p> <p>2 Q. Had you been diagnosed with</p> <p>3 depression or anxiety before the fall?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Had you ever seen a psychiatrist</p> <p>6 or psychologist before the fall?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Has any of the emotional stress</p> <p>9 that you relate to the fall caused you to</p> <p>10 develop any physical symptoms?</p> <p>11 A. What is that?</p> <p>12 Q. Like, if -- I guess it would be</p> <p>13 things, like, you know, the anxiety is</p> <p>14 making you throw up or, like, not sleeping,</p> <p>15 any kind of physical symptoms as a result of</p> <p>16 emotional stress.</p> <p>17 A. I don't get that question.</p> <p>18 Q. Okay. That's fine.</p> <p>19 Let's do it this way: Have you</p> <p>20 told me about all of the ways the fall at</p> <p>21 Wal-Mart has affected you mentally or</p> <p>22 emotionally?</p> <p>23 A. I think I told you just about.</p>	<p>1 A. I'm not sure.</p> <p>2 Q. If you had a doctor's</p> <p>3 appointment, did you take the entire day off</p> <p>4 from working at Milo's?</p> <p>5 A. Well, if I was -- if I was going</p> <p>6 to a doctor's appointment -- I worked there</p> <p>7 overnight. So if it didn't interfere, then</p> <p>8 it was okay, I guess. I'm not sure.</p> <p>9 Q. What were your hours at Milo's?</p> <p>10 I don't think I asked you that.</p> <p>11 A. It was overnight. I had to take</p> <p>12 that, because it was overnight.</p> <p>13 Q. Okay. And were you working day</p> <p>14 or night shifts when you did the warehouse</p> <p>15 work?</p> <p>16 A. Those were jobs in the morning</p> <p>17 time.</p> <p>18 Q. Did you miss any time at the</p> <p>19 warehouse jobs to attend doctor's visits?</p> <p>20 A. If I was required to be there,</p> <p>21 then -- if I did, then I did. But if</p> <p>22 not -- I'm not -- I'm not sure.</p> <p>23 Q. Okay. All right. Are you</p>
Page 158	Page 160
<p>1 Q. Okay. And are you claiming that</p> <p>2 you had to take off an entire day of work at</p> <p>3 Outback in order to attend doctors</p> <p>4 appointments at Southlake?</p> <p>5 A. I didn't go to Southlake until</p> <p>6 the next year; right?</p> <p>7 Q. Okay. Where were you working in,</p> <p>8 like, July and August of 2021, about when</p> <p>9 you had your surgery?</p> <p>10 A. I think I was -- I was working</p> <p>11 around -- with Milo's Tea Company, I think,</p> <p>12 around that time.</p> <p>13 Q. Okay. I think, if I have got --</p> <p>14 my notes may be wrong. But if I have my</p> <p>15 notes right, I had you at Milo's -- yes,</p> <p>16 Milo's starting August of 2021. So the</p> <p>17 warehouse jobs were before that?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Okay. So did you miss any time</p> <p>20 from work at Milo's to attend doctors</p> <p>21 visits?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. How much time did you miss?</p>	<p>1 claiming that you incurred travel or mileage</p> <p>2 expenses going to doctors visits?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. All right. I'm going to</p> <p>5 show you what I have marked as Defendant's</p> <p>6 Exhibit 8. And I will represent to you that</p> <p>7 these are the initial disclosures. I think</p> <p>8 there was just a little typo on the top that</p> <p>9 says "Wal-Mart," but it was actually the</p> <p>10 ones that we received from you on -- or your</p> <p>11 lawyer at the beginning of this case.</p> <p>12 And on the last page of this</p> <p>13 document, it lists out the damages that you</p> <p>14 are claiming in this lawsuit. Have you ever</p> <p>15 seen this chart before? It's on the last</p> <p>16 page.</p> <p>17 Have you ever seen those numbers</p> <p>18 before?</p> <p>19 A. I've seen my medical bills and</p> <p>20 stuff. Yes.</p> <p>21 (Whereupon, Defendant's Exhibit</p> <p>22 No. 8 was marked and is attached</p> <p>23 to the original transcript.)</p>

40 (Pages 157 to 160)

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<p>1 Q. (By Ms. Gordon) Okay. Any idea 2 how you came up with the mileage amount? 3 A. To and from places, gas. 4 Q. Or how you came up with the lost 5 wages amount? 6 A. The lost wages as in jobs and 7 stuff? 8 Q. Right. Yes. Time missed from 9 work. 10 A. Yes, ma'am. 11 Q. Do you know how that was 12 calculated? 13 A. I would just say about. 14 Q. Okay. 15 A. I think I -- 16 Q. What about the amount for pain 17 and suffering of \$500,000; is that something 18 you came up with? 19 A. Yes, ma'am. 20 Q. Okay. And how did you quantify 21 pain and suffering? 22 A. Because it was a drastic change 23 for me and my daughter.</p>	<p>1 lawsuit? 2 A. She helped me get my insurance 3 and stuff. 4 Q. Okay. 5 A. She was the one who helped with 6 bills at that point until she couldn't, 7 because, you know, she's got her own bills. 8 Q. Sure. 9 A. So she helped me with this 10 process. 11 Q. She was not at Wal-Mart that day 12 when you fell, was she? 13 A. No, ma'am. 14 Q. Okay. Have you applied for any 15 loans or advances for potential proceeds 16 from this lawsuit? 17 A. Yes, ma'am. 18 Q. You have? With which company? 19 A. OASIS. 20 Q. Alexis? 21 A. OASIS. 22 Q. OASIS, I have heard of that. 23 All right. Have you --</p>
Page 162	Page 164
<p>1 Q. Okay. I promise I am almost 2 finished. 3 A. Oh, no, you are fine. 4 Q. Thank you for being patient. 5 A. Do you want me to put these 6 together for you? 7 Q. You can leave it. We will do it 8 in a minute. 9 A. Okay. 10 Q. Did you ever see a Dr. Lloyd 11 Johnson at Alabama Bone & Joint? 12 A. Lloyd Johnson? 13 Q. Yes. 14 A. I'm not sure. 15 Q. All right. Have you ever been 16 diagnosed with degenerative joint disease? 17 A. I don't think so. I'm not sure. 18 Q. I've marked a couple of things, 19 but I think we've -- you listed as your -- 20 listed your mother Erica Truitt as having 21 knowledge of the fall. What type of 22 information does she have about the fall or 23 any of the claims you are making in this</p>	<p>1 MS. WASHINGTON: I'm just going 2 to object just for relevance, but you can 3 answer the questions. 4 Q. (By Ms. Gordon) Have you told me 5 everything you remember about the incident 6 at Wal-Mart that's the basis of your 7 lawsuit? 8 A. Yes, ma'am. 9 Q. Okay. And have you told me about 10 all of the injuries that you sustained as a 11 result of the incident at Wal-Mart? 12 A. Yes, ma'am. 13 Q. Have you told me about all of the 14 treatment that you received for the injuries 15 you relate to the fall? 16 A. Yes, ma'am. 17 Q. And have we talked about all of 18 the expenses -- well, let's summarize those. 19 I just want to make sure we've covered it 20 all. 21 The expenses that you relate to 22 the fall would be the medical bills, is that 23 right, from Grandview -- no, from Shelby and</p>

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<p>1 Southlake and then the place you had your 2 surgery. Are there any others? 3 A. No, ma'am. 4 Q. Okay. And some of those may have 5 been paid by Blue Cross, some of them may 6 not. Do you know one way or another? 7 A. No, ma'am. 8 Q. There is also a lost wages claim 9 for time you have missed from work; is that 10 right? 11 A. Yes, ma'am. 12 Q. And then you are claiming some 13 mileage expenses for travel to and from the 14 doctors appointments? 15 A. Yes, ma'am. 16 Q. And then we talked about your -- 17 how it's affected you emotionally or 18 mentally. 19 Were there any other expenses 20 that you paid for out of your own pocket 21 that you relate to the fall? 22 A. No, ma'am. 23 Q. Okay. Have we talked about all</p>	<p>1 A. What now? 2 Q. Do you know which one it was? 3 Was it a jug or a bottle that you reached 4 for when you -- when the incident happened 5 when you fell? 6 A. It was either one of the two. 7 Q. But you don't remember which one; 8 correct? 9 A. I don't remember which one, no, 10 ma'am. 11 Q. All right. And then when 12 Attorney Gordon questioned you, you talked 13 about seeing water on the floor -- 14 A. Yes, ma'am. 15 Q. -- or some liquid substance on 16 the floor? 17 A. Yes, ma'am. 18 Q. Did you do any testing of that 19 water that was on -- or that substance that 20 was on the floor when you fell, do you know 21 exactly what it was? 22 A. No, ma'am. 23 Q. Okay. And then you said that --</p>
Page 166	Page 168
<p>1 of the claims you are making in this 2 lawsuit? 3 A. Yes, ma'am. 4 MS. GORDON: All right. That's 5 all that I have. Thank you. 6 7 EXAMINATION BY MS. WASHINGTON: 8 Q. I just have a few follow-up 9 questions. I think we are going to be out 10 of here very quickly. I just wanted to 11 address some things that were discussed 12 during your initial questioning. 13 As you know, I'm your attorney. 14 So we are here to talk about the incident at 15 Wal-Mart. So I do want to talk about the 16 actual incident itself on October 15, 2020. 17 Is that the accurate date? 18 A. Yes, ma'am. 19 Q. All right. So you noticed when 20 you went to get water -- do you recall what 21 kind of water you were attempting to get? 22 Was it a jug or a bottle? Can you 23 distinguish between either of the two?</p>	<p>1 when was the first time you saw that liquid 2 substance on the floor at Wal-Mart? When 3 was the first time you saw it? 4 A. When I was on the floor. 5 Q. Okay. And so prior to your fall, 6 you didn't see any water; correct? 7 A. No, ma'am. 8 Q. And did you see any signage about 9 water? 10 A. No, ma'am. 11 Q. Did you see any signage at 12 Wal-Mart about any potential dangers? 13 A. No, ma'am. 14 Q. Okay. And when you fell, how 15 long were you on the floor before you went 16 to the ambulance? 17 A. About 30 to 40 minutes. 18 Q. And during that time frame, did 19 you see anyone come place any signage or any 20 cones or any structures to warn others about 21 any dangers in that area? 22 A. No, ma'am. 23 Q. Okay. Did anyone else come</p>

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<p>1 through that aisle while you were on the</p> <p>2 floor? Did you see any shoppers come</p> <p>3 through that aisle as you were there for</p> <p>4 30 to 40 minutes?</p> <p>5 A. No, ma'am. I seen a lot of</p> <p>6 commotion.</p> <p>7 Q. Okay. But you don't recall the</p> <p>8 exact happenings around that time, during</p> <p>9 that 30- to 40-minute time frame? You don't</p> <p>10 recall anything?</p> <p>11 A. No, ma'am.</p> <p>12 Q. And so do you believe that</p> <p>13 Wal-Mart took any steps to warn others about</p> <p>14 any dangers in that area after your</p> <p>15 accident? Do you think they did anything to</p> <p>16 warn against any dangers?</p> <p>17 MS. GORDON: Object to the form.</p> <p>18 A. No, ma'am.</p> <p>19 Q. (By Ms. Washington) Okay. And I</p> <p>20 do want to show this video. I know that we</p> <p>21 are -- it's electronic.</p> <p>22 MS. GORDON: I will come over</p> <p>23 there.</p>	<p>1 A. Yes, ma'am.</p> <p>2 Q. -- during the incident?</p> <p>3 Can you point on the screen which</p> <p>4 aisle you were on?</p> <p>5 A. That aisle (indicating).</p> <p>6 Q. Okay. And so you believe you</p> <p>7 were in this area where you pointed when the</p> <p>8 incident occurred?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. Okay. And so from your vantage</p> <p>11 point, from what you can see here, is it</p> <p>12 clear? Can you clearly see anything?</p> <p>13 A. No, ma'am.</p> <p>14 Q. Okay. So could you identify</p> <p>15 yourself in this footage that I showed you?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Could you identify Kevin, who was</p> <p>18 with you, in this footage?</p> <p>19 Let me go to the time. Let me</p> <p>20 pause.</p> <p>21 During your testimony with</p> <p>22 Attorney Gordon, did you state that the</p> <p>23 incident occurred around 7:15, 7:20? Does</p>
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<p>1 MS. WASHINGTON: And I can share</p> <p>2 this with you.</p> <p>3 MS. GORDON: That's fine.</p> <p>4 MS. WASHINGTON: I'm going to</p> <p>5 mark this as Plaintiff's Exhibit 1. So I</p> <p>6 will share this via a link of sorts, if you</p> <p>7 can't get email.</p> <p>8 (Whereupon, Plaintiff's Exhibit</p> <p>9 No. I was marked and is attached</p> <p>10 to the original transcript.)</p> <p>11 Q. (By Ms. Washington) But this is</p> <p>12 the video.</p> <p>13 MS. WASHINGTON: Can you see it?</p> <p>14 MS. GORDON: Yes.</p> <p>15 MS. WASHINGTON: Okay. Great.</p> <p>16 Q. (By Ms. Washington) And so this</p> <p>17 is the video. Do you recall me showing you</p> <p>18 this video during a Zoom meeting that you</p> <p>19 and I had?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Okay. And do you recall if you</p> <p>22 confirmed with this view which aisle you</p> <p>23 were on --</p>	<p>1 that sound about right, about the time frame</p> <p>2 in which this happened?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. So I'm going to actually</p> <p>5 fast-forward to that time so we can see it.</p> <p>6 That's 7:11.</p> <p>7 MS. WASHINGTON: Sorry, y'all.</p> <p>8 Q. (By Ms. Washington) And so this</p> <p>9 area, can you show us -- I'm sorry. Can you</p> <p>10 show us the area where the incident was</p> <p>11 happening? Do you think -- does it look</p> <p>12 like some commotion on this video at this</p> <p>13 time?</p> <p>14 A. Back in that area.</p> <p>15 Q. Okay. So can you identify any of</p> <p>16 the people in that footage?</p> <p>17 A. No, ma'am.</p> <p>18 MS. WASHINGTON: Okay. And so</p> <p>19 I'm going to pause. And I just wanted to</p> <p>20 verify what she could identify in that</p> <p>21 footage. Okay. And I'm done with it for</p> <p>22 now.</p> <p>23</p>

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<p style="text-align: right;">Page 173</p> <p>1 REEXAMINATION BY MS. GORDON:</p> <p>2 Q. My only question is, just to</p> <p>3 clarify the record, when you were talking</p> <p>4 about the video and you were pointing to an</p> <p>5 area of the screen, were you pointing to the</p> <p>6 top right corner of the screen or top</p> <p>7 right --</p> <p>8 MS. WASHINGTON: Yes, thank you</p> <p>9 for that.</p> <p>10 Q. (By Ms. Gordon) Just since we</p> <p>11 can't see where you were pointing --</p> <p>12 MS. WASHINGTON: Correct.</p> <p>13 Q. (By Ms. Gordon) -- is that an</p> <p>14 accurate description of where you were</p> <p>15 pointing?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Okay. And the aisle that is</p> <p>18 shown clearly, which is labeled the liquor</p> <p>19 and the beer aisle on the video that you</p> <p>20 were shown, that is not the aisle you were</p> <p>21 on; is that right?</p> <p>22 Were you on the liquor and beer</p> <p>23 aisle?</p>	<p style="text-align: right;">Page 175</p> <p>1 A. I know she said that the store is</p> <p>2 always dirty when she comes there.</p> <p>3 Q. Okay.</p> <p>4 A. It's not kept up.</p> <p>5 Q. And how long after you fell did a</p> <p>6 Wal-Mart employee come to speak with you?</p> <p>7 A. It was quite a bit of time.</p> <p>8 Q. Do you have an estimate? Do you</p> <p>9 know how many minutes it was between the</p> <p>10 time you fell and when they came?</p> <p>11 A. I'd probably say about</p> <p>12 15 minutes, I believe.</p> <p>13 Q. Okay. And in your previous</p> <p>14 testimony, you said that Kevin went to find</p> <p>15 someone to help after you fell?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. And so you think within that</p> <p>18 15 minutes it took for them to come see you,</p> <p>19 did Kevin -- do you recall him speaking with</p> <p>20 someone before they came, or did they come</p> <p>21 on their own? Did Kevin prompt them to</p> <p>22 come, or did they come on their own?</p> <p>23 A. I think he prompted them to come.</p>
<p style="text-align: right;">Page 174</p> <p>1 A. No. No, ma'am.</p> <p>2 Q. No. You were on the aisle to the</p> <p>3 right of the liquor and beer aisle when you</p> <p>4 fell?</p> <p>5 A. Yes, ma'am.</p> <p>6 MS. GORDON: Okay. That's all</p> <p>7 that I have.</p> <p>8 MS. WASHINGTON: Okay. Thank</p> <p>9 you, Gwen.</p> <p>10 MS. GORDON: Sure.</p> <p>11 MS. WASHINGTON: Thank you for</p> <p>12 that.</p> <p>13 REEXAMINATION BY MS. WASHINGTON:</p> <p>14 Q. And so from this, from what you</p> <p>15 recall on the day of the incident, you spoke</p> <p>16 with a shopper. Do you know who you spoke</p> <p>17 with while you were on the floor waiting for</p> <p>18 treatment?</p> <p>19 A. Ms. Kellie.</p> <p>20 Q. Okay. And what, if anything, did</p> <p>21 Ms. Kellie tell you or did you-all talk</p> <p>22 about?</p> <p>23</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. Okay. And that's all I have now</p> <p>2 for the incident at Wal-Mart. But I did</p> <p>3 want to talk about the impact that the</p> <p>4 injuries had on you and your family.</p> <p>5 So did your injuries affect you</p> <p>6 being able to care for your daughter at any</p> <p>7 point?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. How so?</p> <p>10 A. I wasn't able to take care of her</p> <p>11 and try to pay bills at the same time. We</p> <p>12 were struggling.</p> <p>13 Q. Okay. And were you able to still</p> <p>14 assist her with her day-to-day activities?</p> <p>15 A. It was very hard.</p> <p>16 Q. How old was your daughter at the</p> <p>17 time that the incident occurred?</p> <p>18 A. I would say she was around six or</p> <p>19 seven.</p> <p>20 Q. Okay. So she was still school</p> <p>21 age at that time?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Was she going to school</p>

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<p>1 physically, or she was homeschooled due to</p> <p>2 the pandemic?</p> <p>3 A. She was homeschooled.</p> <p>4 Q. Okay. And with her -- who</p> <p>5 homeschooled her during the pandemic and</p> <p>6 after the accident?</p> <p>7 A. Me and my mom.</p> <p>8 Q. Okay. And so were you able to</p> <p>9 assist her with her schoolwork the same</p> <p>10 after the accident as you were before the</p> <p>11 accident?</p> <p>12 A. No, ma'am.</p> <p>13 Q. What changed? What were the</p> <p>14 differences?</p> <p>15 A. I would have to get up with her</p> <p>16 every morning and try to get her ready to be</p> <p>17 at school on time. And the morning time was</p> <p>18 the worst because that's when my ankle hurt</p> <p>19 the worse, when I first woke up.</p> <p>20 Q. Okay. And so to get to school on</p> <p>21 time, did that mean that she was being</p> <p>22 supplemented through, like, a Zoom where she</p> <p>23 had to be logged in to go to school? Even</p>	<p>1 face and --</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. -- brush her teeth?</p> <p>4 A. Uh-huh (affirmative).</p> <p>5 Q. Okay. And so did you yourself</p> <p>6 have any anxiety? Were you ever diagnosed</p> <p>7 with anxiety, sleeplessness or anything like</p> <p>8 that before the accident?</p> <p>9 A. I had a lot of sleepless and</p> <p>10 restless nights.</p> <p>11 Q. Before the accident or after?</p> <p>12 A. After.</p> <p>13 Q. Okay. But before the accident,</p> <p>14 did you have any anxiety or restlessness or</p> <p>15 sleeplessness?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Okay. I know, also, earlier you</p> <p>18 talked about your work life before and after</p> <p>19 the accident. After the accident, why were</p> <p>20 you let go from Outback Steakhouse?</p> <p>21 A. Because I wasn't able to perform</p> <p>22 the duties of a back of the house kitchen</p> <p>23 manager anymore like I was.</p>
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<p>1 though she was at home, she had to be</p> <p>2 physically prepared to be on video?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. And you had to assist her</p> <p>5 with what in the morning? Tell us your</p> <p>6 average morning before the accident being</p> <p>7 able to get your daughter ready for school.</p> <p>8 How did that go?</p> <p>9 A. I had to get her up, get her</p> <p>10 ready, hair, breakfast, make sure she does</p> <p>11 what she is supposed to do, get her to where</p> <p>12 she needed to be.</p> <p>13 Q. Okay. And after the accident,</p> <p>14 how did that change? How did that affect</p> <p>15 your ability to get her prepared to start</p> <p>16 school?</p> <p>17 A. It was hard.</p> <p>18 Q. How? How was it hard?</p> <p>19 A. Because I couldn't move like I</p> <p>20 used to move.</p> <p>21 Q. Okay. Did that mean you were</p> <p>22 having issues with, I guess, getting her</p> <p>23 settled to stop and do her hair and wash her</p>	<p>1 Q. And is that what your manager</p> <p>2 told you was the reason he was letting you</p> <p>3 go?</p> <p>4 A. Mainly, that's what it summed up</p> <p>5 to be.</p> <p>6 Q. Okay. And after that -- tell</p> <p>7 us -- I guess, let's start with why you did</p> <p>8 that. You worked at Outback for how long</p> <p>9 before the accident? How long did you work</p> <p>10 there?</p> <p>11 A. About three -- three to four</p> <p>12 years.</p> <p>13 Q. Okay. And did you like your job</p> <p>14 at Outback?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. And you stated that you were</p> <p>17 named the star of the kitchen at Outback</p> <p>18 when you worked there; correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And so did you have a good</p> <p>21 working relationship with your coworkers?</p> <p>22 A. Yes, ma'am.</p> <p>23 Q. Okay. And right after the</p>

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<p>1 accident, did you try to go back to work at</p> <p>2 Outback?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Okay. And I know you said when</p> <p>5 you left the hospital you were given</p> <p>6 crutches. Did you ever have to go to work</p> <p>7 at Outback with crutches?</p> <p>8 A. I had to go -- I had a boot.</p> <p>9 Q. You had a boot?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Okay. So when did you get a boot</p> <p>12 after the accident?</p> <p>13 A. I'm not sure.</p> <p>14 Q. So when you went to Shelby</p> <p>15 Baptist after -- when the ambulance took you</p> <p>16 to Shelby Baptist, did they give you a boot</p> <p>17 there?</p> <p>18 A. They may have.</p> <p>19 Q. Okay. And so you remember going</p> <p>20 to Outback with a boot on?</p> <p>21 A. Uh-huh (affirmative).</p> <p>22 Q. And how did that affect your</p> <p>23 ability to perform your duties at Outback?</p>	<p>1 before Thanksgiving and Christmas?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. Okay. And when did you move from</p> <p>4 your apartment in Homewood to the apartment</p> <p>5 in Ensley? Did you move before Christmas?</p> <p>6 A. I think so. I'm not sure.</p> <p>7 Q. Do you recall if you spent</p> <p>8 Christmas at the Ensley apartment or the</p> <p>9 Homewood apartment?</p> <p>10 A. Ensley apartment, yes.</p> <p>11 Q. Okay. So you did move to Ensley</p> <p>12 before Christmas?</p> <p>13 A. Yes, ma'am.</p> <p>14 Q. And how was that for you and your</p> <p>15 daughter being at the apartment in Ensley,</p> <p>16 spending your holidays there?</p> <p>17 A. It was depressing.</p> <p>18 Q. How?</p> <p>19 A. Because Ensley is, like,</p> <p>20 considered the -- you know, the ghetto over</p> <p>21 there. I wasn't brought up like that. I</p> <p>22 went to Hoover High School and Spain Park.</p> <p>23 So I wasn't used to being in that type of</p>
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<p>1 A. I wasn't able to move around, for</p> <p>2 real, in a rush like I was supposed to.</p> <p>3 Everything was --</p> <p>4 Q. Okay. What do you mean? What</p> <p>5 kind of rush did you have to move around in?</p> <p>6 A. Everything was supposed to be,</p> <p>7 like, fast-paced. And stuff was supposed to</p> <p>8 be done.</p> <p>9 So, like you said, A.M. prep, I</p> <p>10 would prep up everything that needed to be</p> <p>11 done. And sometimes I didn't have it -- I</p> <p>12 didn't have it done.</p> <p>13 Q. Okay. So you believe that you</p> <p>14 were slower in getting things done because</p> <p>15 of your mobility --</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. -- is that accurate?</p> <p>18 Okay. Let's talk about when you</p> <p>19 were let go. Were you let go before</p> <p>20 Thanksgiving of 2020 or after Thanksgiving</p> <p>21 of 2020?</p> <p>22 A. Before.</p> <p>23 Q. Okay. So you were unemployed</p>	<p>1 living situation.</p> <p>2 And when I say "living</p> <p>3 situation," it was times where, you know,</p> <p>4 it's rats running around there. And me and</p> <p>5 [REDACTED] are on the couch, because both of us</p> <p>6 are scared. And, you know, it's just how it</p> <p>7 is on that side of town.</p> <p>8 Q. Okay. And you stated that after</p> <p>9 your emergency room visit you tried to get</p> <p>10 healthcare?</p> <p>11 A. Uh-huh (affirmative).</p> <p>12 Q. Why were you seeking treatment</p> <p>13 after the accident? Why were you looking to</p> <p>14 get more treatment after the emergency room</p> <p>15 visit?</p> <p>16 A. Because I knew something was</p> <p>17 wrong.</p> <p>18 Q. How? How did you know something</p> <p>19 was wrong?</p> <p>20 A. It was hurting. My ankle was</p> <p>21 hurting every day. I couldn't perform like</p> <p>22 I was able to perform.</p> <p>23 Q. Okay. So why didn't you get</p>

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<p>1 treatment again after the emergency room</p> <p>2 visit?</p> <p>3 A. Because I didn't have insurance.</p> <p>4 Q. Okay. And how did you get</p> <p>5 insurance when you finally did get insurance</p> <p>6 after the accident?</p> <p>7 A. My mom helped me out.</p> <p>8 Q. So your mom helped you pay for</p> <p>9 insurance?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. And did she help you pay for that</p> <p>12 because she knew you needed some help with</p> <p>13 that ankle?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. Okay. And you did move from</p> <p>16 Ensley back to Homewood in another apartment</p> <p>17 around 2022; is that accurate?</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. Why did you move -- how did you</p> <p>20 move? How were you able to move?</p> <p>21 A. I had switched fields. And I</p> <p>22 think I just moved by the grace of God</p> <p>23 carrying me through this journey.</p>	<p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA)</p> <p>4 JEFFERSON COUNTY)</p> <p>5</p> <p>6 I hereby certify that the above and</p> <p>7 foregoing proceedings were taken down by me</p> <p>8 in stenotype, and the questions and answers</p> <p>9 thereto were reduced to computer print under</p> <p>10 my supervision, and that the foregoing</p> <p>11 represents a true and correct transcript of</p> <p>12 the testimony given by said witness upon</p> <p>13 said proceedings.</p> <p>14 I further certify that I am neither of</p> <p>15 counsel nor of kin to the parties to the</p> <p>16 action, nor am I anyway interested in the</p> <p>17 results of said cause.</p> <p>18 Signed the 14th day of June, 2023.</p> <p>19</p> <p>20</p> <p>21 /s/ Diana B. Williams, CCR</p> <p>22 DIANA B. WILLIAMS, CCR</p> <p>23 Alabama CCR No. 104, Expires 09/30/2023</p> <p>Commissioner for the State of Alabama at Large, Commission expires 04/11/2027</p>
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<p>1 Q. Okay. Do you still have issues</p> <p>2 with not being able to work in the</p> <p>3 restaurant industry anymore?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. And you want to go back to that</p> <p>6 field?</p> <p>7 A. I like cooking.</p> <p>8 Q. Okay. So once you get the</p> <p>9 ability to do so, are you going to look for</p> <p>10 ways to be able to return to that industry?</p> <p>11 A. I would like to, yes, ma'am.</p> <p>12 MS. WASHINGTON: Okay. Well,</p> <p>13 that's all I have for now. Do you have</p> <p>14 any --</p> <p>15 MS. GORDON: Nothing else.</p> <p>16 That's it. You are finished.</p> <p>17 THE WITNESS: Yes, ma'am.</p> <p>18 MS. WASHINGTON: All right.</p> <p>19 (Whereupon, the deposition ended</p> <p>20 at 4:45 p.m.)</p> <p>21</p> <p>22</p> <p>23</p>	

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